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March 9, 1976

Richard Schroeder
c/o Eugene Country Club
Eugene, Oregon

Dear Rich

Subsequent to our meeting of February 2nd at the Mac Club, I am submitting a price for my parcel of land in Clatsop County Oregon.

The parcel of land in question is approximately 42 acres with 500 feet of ocean frontage. As you know the 10 acre piece which contains 500 feet of ocean frontage has county approval for high density development, on the stipulation that an acceptable sewage disposal system is constructed. This does not mean septic tanks unless single family dwellings were erected.

Neighboring ocean front parcels are selling from 18,000-22,000 in Surf Pines. These lots are 100' x 400'. On my 10 acre piece alone 10 single family dwellings could be built or five two acre parcels sold for a minimum of $25,000 each.

In view of this I will sell the total 42 acres for $160,000. I would require one third down and the balance payable over 10 years at 8%.

Hope this will help you in negotiations with Del Monte.

Sincerely,

Jim Lucas

THE PURPOSE OF THIS COMMUNICATION, IS TO GIVE YOU THE FACTS SURROUNDING THE REQUEST TO MOVE THE CONSTRUCTION SETBACK LINE BETWEEN THE DEL REY BEACH ROAD AND SURF PINES, AS IT IS KNOW TODAY. BEFORE I BEGIN, I WOULD LIKE TO ASK YOU TO TRY IMAGINE THAT "YOU" WERE ONE OF THE PROPERTY OWNERS MAKING THE REQUEST. PLEASE TRY AND KEEP THAT THOUGHT FOR THE NEXT TEN TO FIFTEEN MINUTES WHILE YOU READ THIS IMFORMATION. ALSO KEEP IN MIND THAT ALL WE EVER WANTED WAS A BUILDING LINE CONSISTENT WITH OUR NEIGHBORS TO THE NORTH (SURF PINES) AND SOUTH (THE HIGHLANDS).

The request to move the line was submitted in the fall of 1989 by the following individuals or families; R. Schroeder, M. Gray/ now Schroeder Trust, J. Lucas, Malarkey family, and the Miller family.

Please refer to exhibit #1; this document reflexs the minutes of the December 5, 1978 public hearing on Dr. Palmers new line. Please note that both Ted Lilly and Jim Lucas spoke. Ted Lilly is the CEO and co-owner of Stimson Lumber Co, one of the largest companies in Oregon. Mr. Lilly tried to explain that these properties were part of Surf Pines. NO ONE WANTED TO LISTEN. In fact, Mr. Nickla, who was one the Commissioners at the time and lived in Surf Pines, stated that the Miller and Lucas property were not part of Surf Pines. To hear Mr. Lillys account of the meeting, you would have thought it was a kangaroo court. Curt Schneider response was that the properties were not committed. He was WRONG, all he had to do was a little research. Mr. Schneider and the Commission obviously felt Mr. Lilly and Mr. Lucas were not telling the truth. As you will soon see, they were telling the truth. Needless to say the tapes of that meeting have been destroyed.

Exhibit #2 is an add from the Oregon Journal dated August 1, 1948. Please note the name of the development; Surf Pines, the location; north of Gearhart running two and $\frac{1}{2}$ miles, nature of utilities, and the fact that the first ocean front buyers received lake frontage on Sunset Lake.

Exhibit #3 is an earnest money receipt from the Miller and Malarkey family dated March 26, 1949.

Exhibit #4 is a contract between Mr. Lucas (developer of Surf Pines) Mr. Miller and Mr. Malarkey dated March 26, 1949. This contract spells out the terms of the their agreement which called for the Miller and Malarkey families to pay for the building of the MAIN ENTRY ROAD TO SURF PINES AS WELL AS ROADS IN FRONT OF AND BELOW THE SCHROEDER HOUSE AND ROADS LEADING INTO THE MILLER AND MALARKEY PROPERTIES. The cost of these roads was

$12,000 and every penny of it was paid for by the Miller and Malarkey family. This is a very important point, because Mr. Lucas told many people that if he had not received the financial help from the Millers and Malarkeys he would have had to sell off the remaining parcels in Surf Pines because he did not have enough money to build the roads and keep the development going. In esssence, without help from the Miller and Malarkey family Surf Pines as it is know today would not exist. I HAVE ALSO ENCLOSED RECORDED ROAD AND WATER EASEMENTS FOR BOTH THE MILLER AND MALARKEY OCEAN FRONT PROPERTIES AS WELL AS THE SUNSET LAKE PROPERTIES DATED MARCH 21, 1949.

Exhibit #5 is a plat map of Surf Pines in 1949. Please note the location of both the ocean front and lake front properties of the Miller and Malarkey families.

Exhibit #6 is a letter from Mr. Malarkey. Please note reference to months statements for roads and utilities. At that point the Miller and Malarkey families had been making those payment for more than FOUR YEARS. Also, please note the reference to the Lucas parcel of 400 feet. This is currently owned by Jim Lucas and group.

Exhibit #7 is an offer by Mr. Lucas to sell all his holding in Surf Pines. The date is September 1, 1957. Mr. Lucas did not sell Surf Pines until 1959: 11 YEARS AFTER HE BEGAN MARKETING THE LOTS. PLEASE NOTE THE SOUTHERN BOUNDARY IN MR. LUCAS' LETTER (IT SPECIFICALLY STATES THAT THE SOUTHERN BOUNDRY OF SURF PINES IS THE RECORDED SUB DIVISION KNOW AS "DEL REY BEACH" CURRENTLY OWNED BY MR. SCHROEDER.

Exhibit #8 is a Land Use Plan for Clatsop County dated 1966. Please note the direction of the Surf Pines roads. As you can see, there are two roads to the south of the now existing Surf Pines. These roads were in place and recorded with the County in 1966.

WE HAVE MANY MORE DOCUMENTS, HOWEVER, WHAT THIS CLEARLY SHOWS IS THAT THE PROPERTIES IN QUESTION WERE AND SHOULD STILL BE PART OF SURF PINES. FOR THE RECORD, THERE ARE STILL SEVERAL LARGE UNDEVELOPED PARCELS IN SURF PINES AS YOU KNOW IT. ONE OF WHICH, IS THE SUNSET LAKE FRONTAGE PROPERTY (37 ACRES) OWNED BY THE MILLER FAMILY.

After the December 5, 1978 meeting Mr. Lilly and the other property owners felt that once they decided to develop their property they would be given the same building line as Surf Pines. Little did they know of the battles to come. To date, almost $400,000 has been spent on this issue (of which the property owners have spent $96,000 and Northwest General $300,000+). According to our attorneys, the opposition has spent less than $5,000; not including their time.

We believe the sequence of events to be as follows: One, Leonard

Palmer starting working for the County in the middle 1970s as per an arrangement with one of his former students, Curt Schneider, who just happened to be the Director of Planning. During that time, Colony Surf (exhibit # 9) was still a real project. We believe, Dr. Palmer did not like the project and wanted to make sure it or other projects like it would never be built (for the record, Mr. Schroeder was responsible for Colony Surf not being built). We say this because Dr. Palmer approved the line move for the Highlands and has opposed our move. HOWEVER, THE THING THAT BOTHERS MR. SCHROEDER, MR. GRAY/SCHROEDER TRUST, AND MR. LUCAS IS THE WAY DR. PALMER MOVED THE BUILDING LINE ON THEIR PROPERTY IN APRIL OF 1989.

Between 1986 and 1989 approximately ten potiental buyers (including Hillman Properties & Shelter Properties from Portland and Vintage Properties from Palm Springs) approached the property owners and the County Planning Department seeking information regarding the westerly building line. Each time these people visited the County Planning office they were given the 1986 Palmer line. THE CLASSIC EXAMPLE OF THIS OCCURED IN THE LAST WEEK OF MARCH 1989. AT THAT TIME, FRANK HILDRETH, APPROACHED THE PROPERTY OWNERS AND THE COUNTY ABOUT BUILDING A CONFERENCE CENTER ON PROPERTY IN QUESTION. MR. HILDRETH, MR. SCHROEDER, AND MR. DUNDON (MR. HILDRETHS REPRESENTATIVE FROM GRUBB & ELLIS) SPENT TWO HOURS WITH CURT SCHNEIDER. ONE OF THE ISSUES THEY WENT OVER WAS THE 1986 BUILDING LINE. MR. HILDRETH WAS TOLD IF HE WANTED THE MALARKEY AND MILLER PROPERTY HE WOULD HAVE TO HAVE THE BUILDING LINE MOVED. Please see exhibit # 10 which includes a master plan of Hildreth's Conference Center on the Schroeder, Gray and Lucas parcels and a copy of the first page of his offer; which was based on the 1986 Palmer line. After several months of negotiating by phone, we met with Hildreth and Wudtke in Sept. There were seven people at the meeting, including two lawyers (our legal fees for this negotiating process were $4560). At the meeting, Hildreth kept talking about the building line. We COULD NOT UNDERSTAND WHAT HE WAS TALKING ABOUT. LITTLE DID WE KNOW, THAT DR. PALMER MOVED THE LINE THE FIRST WEEK OF APRIL 1989; JUST AFTER HILDRETH AND THE PROPERTY OWNERS MET WITH MR. SCHNEIDER. HILDRETH APPARENTLY FOUND OUT ABOUT THIS THE LATTER PART OF THE SUMMER. THE PROPERTY OWNERS DID NOT FIND OUT ABOUT IT UNTIL MARCH OF 1990 WHEN RICHARD LEONARD OF DAVID EVANS & ASSOCIATES TOLD THEM. WE FIND IT QUITE INTERESTING THAT DR. PALMER WOULD SHOW UP TO MOVE THE BUILDING LINE ONE OR TWO WEEKS AFTER A MAJOR COMMERICAL DEVELOPER EXPRESSED INTEREST IN THE PROPERTY. HOW COULD THE COUNTY GOVERNMENT ALLOW THAT TO HAPPEN? THE MOVEMENT OF THE BUILDING LINE BY PALMER IN APRIL OF 1989 WAS THE REASON FOR HILDRETH WITHDRAWAL.

THE MOVEMENT OF THE LINES (ACTIVE DUNE, BDO SHO) ARE ALL ZONE CHANGES. THEY CANNOT BE MOVED WITHOUT PUBLIC NOTICE AND EVIDENCUARY HEARINGS. BUT THEY WERE MOVED: HOW CAN THIS HAPPEN? IT IS ILLEGAL! THE SAME THING HAPPENED WITH THE DEVELOPMENT OF THE HIGHLANDS IN 1986. APPARENTLY, THE COUNTY DOES NOT ALWAYS

FOLLOW THE OREGON LAND USE LAWS!

Please refer to exhibit #11 which is a land sales contract between several property owners and Jack McKinnon. This contract was based on the 1986 Palmer building line which was confirmed by Mr Schneider to the buyers representative. Also, please note the $30,000 payment made to the property owners. The deal did not close and Mr. McKinnon has since pasted away. HOWEVER HIS RELATIVES ARE STILL IN THE AREA, WITH HOMES IN GEARHART, AND NO DOUBT KNOW THAT THE COUNTY HAS GONE ON RECORD SAYING THE BUILDING LINE ON THE SCHROEDER, GRAY AND LUCAS PARCEL HAS NOT MOVED FROM THE 1978 line. INTERESTINGLY, SCHROEDER, GRAY AND LUCAS COULD BE SUED FOR DOING ABSOLUTLY NOTHING WRONG.

In summarizing the feeling of the property owners, we can honestly say that we have been damaged both financially and mentally. As I have mentioned before, there has been nearly $400,000 spent on trying to get a building line that is consistent with Surf Pines and The Highlands. Dr. Palmer moved the line for the Highlands for a fee of $674. That bill showed ten hours of work which included public hearings.

WE WOULD LIKE TO REPEAT, THAT ALL WE EVER WANTED WAS TO BE TREATED LIKE OUR NEIGHBORS. UNFORTUNATELY FOR US, THE PROPERTY OWNERS, THE SAME SITUATION (NOT BEING TREATED LIKE THE OTHER OCEAN FRONT PROPERTY OWNERS IN THE AREA) HAPPENED WITH REGARDS TO THE COUNTYS REZONING IN 1983. WE (SCHROEDER 14 ACRES, LUCAS 13 ACRES, MALARKEY 36 ACRES, MILLER 38 ACRES, SCHROEDER JT. 33 ACRES) WERE DOWN ZONED FROM RA-1 TO RA-5 WHILE OTHER LARGER OCEAN FRONT PARCELS (52 ACRES) WERE KEPT AT RA-1 ZONING. WE KEEP ASKING WHY!

LARSON AND FISCHER
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FAX (503) 325-2307

W. LOUIS LARSON

D. RICHARD FISCHER

February 28, 1997

Mr. George Malarkey
Post Office Box 2419
Gearhart, OR 97138

Mr. Rick Charlton
5246 NW Burning Tree Court
Portland, OR 97229

Mr. Rich Schroeder
2701 NW Vaughn, Suite 442
Portland, OR 97210

Re: Surf Pines Property

Dear George, Rick and Rich:

Enclosed please find the easement information I received from Ticor. As you can see, I am trying to follow this through further in order to precisely ascertain what is included and where the easements are. Also of particular note with regard to our desire to challenge the gates, please note on the document 268, page 310 at the bottom, it talks about "right of the owners of all other parcels within said land and their guests to equal use of the same." I believe this adds a great deal of assistance to our claim that they cannot impair your access way by the gates. The case law tends to favor allowing gates unless specifically restricted in the easement. I believe it's inferred from this being opened to guests on an equal basis with the owners that the roadways have to be open without gates or that access way cannot be guaranteed. This is a strong improvement to our position on the gates. I'll talk to you about this after I've had a chance to further discuss this and identify the locations on a map with the title company.

Sincerely yours,

LARSON & FISCHER

W Louis Larson

W. Louis Larson

WLL/mw
enclosure

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W. LOUIS LARSON

D. RICHARD FISCHER

February 28, 1997

Ticor Title Insurance Company
Attn: Karen
Post Office Box 780
Astoria, OR 97103

Re: Surf Pines Property

Dear Karen:

Thank you very much for the research you did on the easements in Surf Pines concerning the George B. Malarkey property.

I would like to go deeper into this issue because of the inability to determine from the documents themselves specifically what properties they are referring to and the various other books and pages referenced.

I'll be out of my office until March 15, 1997. During the two weeks I'll be gone, I would like to have you obtain the original copies rather than the transcribed versions so that they can be used as evidence if this goes into litigation. When I return I would also like to come over to your office and spend time working through each one of these so that we can clearly determine precisely where the properties are located and what properties are intended to be included. Also, there are references to other easements that are not included in this group that I would like to examine.

As soon as I return on the 17th I will call and make an appointment with you. Please continue this work on the plant time charge basis. Thank you for the good work, I'll talk to you in two weeks!

Sincerely yours,

LARSON & FISCHER

W Louis Larson

W. Louis Larson

WLL/mw
cc: Mr. George Malarkey
Mr. Rick Charlton
Mr. Rich Schroeder

RICHARD T. SCHROEDER

March 4, 1997

Mr. Lou Larson
990 Astor Street
Astoria, Oregon 97103

Re: Surf Pines easements

Dear Lou,

Your letter dated February 28, 1997 refers to various easements. I have since found other easements that mentions " rights of the owners of all other parcels within said Surf Pines Beach area and their guests to equal use of the same" (**EASEMENT DATED JULY 24,1959 BOOK 251/ PAGE 327); (EASEMENT DATED DECEMBER 29, 1955 BOOK 233/ PAGE 673); (EASEMENT DATED 8-27-51 BOOK 214/ PAGE 314) (EASEMENT DATED 1-10-60 BOOK 255/ PAGE 430)**

In addition, I had found an **EASEMENT DATED 1-6-47 BOOK 190/ PAGE 81 THAT DESCRIBES THE TRANSACTION FOR THE MAIN SURF PINES ENTRY ROAD. THIS DESCRIBES THE 80' RIGHT OF WAY LEADING INTO SURF PINES. THERE ARE HOWEVER, CONDITIONS ON THIS PURCHASE. PLEASE NOTE CONDITION #2 "RIGHTS OF THE PUBLIC IN AND TO THAT PORTION DEEDED FOR THE HIGHWAY PURPOSES". <u>DOES THIS MEAN THE PUBLIC HAS A RIGHT TO THIS ROAD?</u>**

I have also found language that says " all walks & roads in the area designated as Surf Pines Beach are for the use & benefit of all property owners of said Surf Pines Beach and are **not** dedicated to the public". This is condition # 13 in the Surf Pines Beach Addition restriction dated 7-7-49 Book 204/ page 367.

Sincerely,

RTS

2701 N.W. Vaughn, Suite 442 • Portland, OR 97210 • (503) 224-8163 • FAX (503) 274-8753

areas shall be sufficient to protect the property from erosion by wind or water or both, the dune from loss of stabilizing vegetation and the permanent drawdown of the groundwater supply.

Section 4.048 provides a procedure for development applications. Applications for development must include at least:

1. A map showing the location of the proposed development and surrounding development,

2. Description of the extent to which a sand dune will be altered as a result of the proposed development,

3. Other information needed to determine conformance with this Ordinance.

The developer must restore vegetation within the first planting season using the amounts and types of materials required by the Planning Department.

The Active Dune Overlay is only applied to the Clatsop Plains active dune areas. It does not apply to other types of dune forms which cover most of the Clatsop Plains Subarea. The underlying zone for most of the active dune areas is the Open Space, Parks and Recreation zone. The County has taken a built and committed exception for a portion of the Surf Pines area which falls within the active dune area. The exception area is zoned Single Family Residential, and is covered by a Structures Allowed, Active Dune Overlay Zone, which allows any permitted or conditional use in the underlying zone, subject to review. The developments are subject to applicable criteria, development and use standards and site plan approval. This zone shall be further discussed in the exceptions section.

Exceptions

The County has taken two exceptions to Goal 18. 1978

Committed Lands Exception for Active Dune Development at Surf Pines

An exception has been taken for 246 acres in the Surf Pines area, north of Gearhart in the Clatsop Plains Subarea to allow residential development within an active dune area. While not specifically identified in the plan, this is an exception to Implementation Requirement 2 of Goal 18 which prohibits "residential developments...on active foredunes, on other foredunes which are conditionally stable and that are subject to ocean undercutting and wave overtopping, and in interdune areas."

The exception area consists of 118 parcels ranging from one to seventeen acres. There are 93 vacant lots interspersed among existing development consisting of about 26 dwelling units. The lots have been platted and partitioned since about 1950 and are among the last platted oceanfront parcels in Clatsop County, according to the County. The exception is not within an area identified as being subject to geologic

hazards, undercutting, ocean flooding or storm waves. It is within an area of wind erosion. Services available to each lot in the area include community water, roads, electricity, natural gas and cable television. Development is to be single family only, and therefore compatible with adjacent land use. The County has submitted a special Structures Allowed, Active Dune Overlay District which is applied only in the exception area. This zone allows permitted or conditional developments allowed in the underlying zone. Uses allowed in the Active Dune Overlay District are also allowed in the special exception zone. The County has development and use criteria and procedures for development in this zone. The criteria require that conditions adequate to protect the property from wind erosion be applied. However, the criteria do not implement the Goal requirement which require findings that a proposed use permitted in the underlying zone is designed to minimize adverse environmental effects.

1000 Friends has expressed concern regarding the lack of information on sewage disposal in the exception area (see Attachment A). The 1000 Friends is "concerned" about the effect on water quality if all the lots in the exception area have dwelling units. ODFW has objected to the Surf Pines exception citing inadequate findings regarding needs, alternatives and impacts.

Exception for Beachfront Protective Structures at Arch Cape

The County has taken an exception to allow protective structures including bulkheads and riprap to be placed along the remaining undeveloped areas in the Arch Cape Rural Service Center. Under Goal 2, the County is required to take a built and committed exception to this area and other rural service areas. There are presently 24 beachfront protectives structures out of 107 oceanfront lots in the area. The existing sea walls are interspersed with existing development and are placed along sea cliffs cut into marine terrace deposits. Thirty-four of the 107 oceanfront lots are vacant. The County states that vacant lots are adjacent to sewer and water lines. In addition, erosion is accelerated in unprotected areas adjacent to shoreline protective devices. Development in the area would be single family similar to the existing development.

The County has addressed compatibility with existing development. No information however, was submitted on alternatives and consequences of the proposed exception indicating Goal 18 criteria for beachfront protective devices which include that:

1. Negative impacts on adjacent property are minimized,

2. Long-term or recurring costs to the public are avoided.

1000 Friends has objected to the exception citing inadequate findings specifically related to need. The Department concurs that the County has not provided compelling reasons and facts for the exception.

Lloyd

Pages 4 + 5

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W. LOUIS LARSON

D. RICHARD FISCHER

June 6, 1995

Clatsop County Planning Commission
Mr. Curt Schneider,
Clatsop County Planning Director
Diana Nelson, Sr. Planner
Clatsop County Courthouse
Astoria, Oregon 97103

Re: Pinehurst Estates

Dear Persons:

Mr. Steve Pfeiffer, Mr. Mark Barnes and I represent the Pinehurst Estates Subdivision applicant. We are submitting our pooled efforts in response to issues raised by the opponents during their seven (7) day period to file additional information. We are responding to the memo to the Clatsop County Planning Commission from Mr. and Mrs. H. Gene Keever dated May 30, 1995 signed by Gene Keever, Norma Keever, Dr. Leroy Grashong, Mrs. Leroy Grashong, the letter from Surf Pines Association, and the letter of Mrs. Dolly Nicholson. Our response to the specific issues are as follows:

1. **Completeness of Application.** With the information being provided on and attached to the resubmitted preliminary plat for Pinehurst on June 6, 1995, all preliminary plat information required by Section 5.226 of the Clatsop County Land and Water Development and Use Ordinance, Ordinance 80-14 as amended, has been complied with as set forth therein and as interpreted by past practice. An issue was raised by staff that all 26 requirements of Section 5.226 did not appear on the face of the plat. The impossibility of this new interpretation has been recognized by past practice of submitting attachments and additional pages to accompany the preliminary plat.

At the time of the initial filing of the plat all information required under Section 5.226 was submitted in compliance with past practices of this planning commission, the preliminary conference that the representative of the applicant had with Mr. David Carpenter (senior planner at the time of the conference) and the staff letter setting forth deficiencies dated February 13, 1995. The applicant reasonably assumed that the information provided by Mr. David Carpenter was an exhaustive list and had no reason to believe that any deficiencies were being withheld from applicant by staff. Section 2.020 of the Clatsop County Land and Water Development and Use Ordinance requires such information to be made

available at that point. All issues raised by Mr. Carpenter were discussed with the planning department, accepted, relied on and complied with. For the first time new issues were raised in the final staff report to the planning commission which came as a complete surprise to the applicant. It appears that this applicant may have been the victim of the circumstances of a change of personnel part way through the process and a failure to communicate changes of interpretation by the new staff.

All requirements of Section 5.226 as interpreted and applied by Clatsop County are complied with based on what has been submitted previously, the submissions that are accompanying the resubmitted plat and the past practice of the Clatsop County Planning Department.

2. **Applicability of Height Limitations.** The property being developed (exclusive of Lots F and G) is zoned RA-5. The RA-5 zone is defined at Section 3.220 of the Clatsop County Land and Water Development and Use Ordinance, Ordinance 80-14 as amended. Section 3.228(8) provides:

"Maximum building height: 35 feet"

An issue has arisen suggesting that the property should be subject to an 18 foot and 26 foot height restriction on the western portions of the property.

The Clatsop Plains Community Plan component concerning Scenic Areas contains a section stated as "Clatsop Plains Planning Goal"; in this section scenic areas are defined as "those sites, viewpoints, areas or structures that have significant visual worth and that are pleasing to look at". The policy set forth in the Clatsop Plains Planning Goal states that "important vistas, views of the ocean, and other significant visual features should be preserved and the obstruction of those vistas should be discouraged". The applicability of this goal is further defined as follows:

> "The following discussion and policies are in addition to those found in the open space, scenic and historic areas and national resources, recreational needs and estuarine resources and coastal shoreline elements. Sites inventoried (i.e. views along U.S. 101 of Dune Ridges and coastal foothills) that are in addition to those inventoried in the open space, scenic and historic areas and natural resources, recreational needs and estuarine and coastal shoreline elements *are local desires and are not to be construed as additional goal site requirements (e.g. they are not exceptional views).*"
> Emphasis supplied. Clatsop Plains Community Plan page 45.

The scenic policies then state that in beach/open areas the ocean front height should be limited to 18 feet on beachfront lots and 26 feet for adjacent properties in order to provide the greatest view potential for properties along the ocean.

The RM zone has no height limitation imposed.

It is clear from the history provided by Mr. Schneider and the manner in which the plan was implemented in the zoning regulations through establishment of the total series of zones with beachfront application in the Clatsop Plains that a conscious decision was made as to which of the beachfront zones would have the 18 foot and 26 foot height restrictions applied. The applicable provisions of the Comprehensive Plan have been implemented through inclusion of the restrictive provisions in certain zones as determined appropriate by the Clatsop County Planning Commission and Clatsop County Board of Commissioners by the adoption of the Clatsop County Land and Water Development and Use Ordinance. They have included height limitations of 18 and 26 feet on the front in some zones and not in others. In so doing a specific and conscious choice was made as to the applicability of the Comprehensive Plan on specific properties. In these matters the zoning ordinance provisions control. As such, there is no conflict between the Comprehensive Plan and the zoning ordinance because the zoning ordinance has successfully implemented the provisions of the plan.

Based upon the foregoing, it is clear that the implementation process of applying the plan policies to the respective zones along the beachfront in Clatsop Plains was considered and consciously made to exempt the subject site from the 18 foot and 26 foot policy as the means for preserving view potential. This is consistent with the scenic area policy because it must be presumed that the determination was duly made that these particular sites, R-A5, did not have "significant visual worth" in the opinion of the planning authority implementing the plan through the adoption of the zones, especially in light of the fact this property is not located in the scenic description area.

3. **Surf Pines Homeowners Request for One Street Access to Lots 48, 49, 50 and 51.** The Surf Pines Homeowners Association is a non-profit Oregon corporation created by its members. It has no governing authority nor does it have any authority to impose restrictions or conditions upon property within its boundaries except by the consent of individual property owners to voluntarily join and comply with the corporation's rules.

The authority of the Surf Pines Homeowners Association is not like that of other homeowner associations created by the original developer of the property imposing conditions upon the property at the time of platting and thereby making their rules and regulations mandatory on all succeeding owners. The preferences stated by the Surf Pines Homeowners Association can be read only as advisory. To the extent that we can accommodate their wishes, we will do so. However, we also must consider other factors such as the amount of road construction necessary to create one versus two or more accesses especially in light of the need to conserve endangered species habitat. Therefore, it is requested that the planning commission place no restrictions on the number of accesses for Lots F and G. These will be matters dealt with by the property owner and the Surf

Pines Homeowners Association within the means of their own individual legal relationships. The property owners of Lots F and G were given access easements to use the streets and roads in Surf Pines by the original creator of the property, Mr. Barney Lucas. These documents define the rights and responsibilities of each party save and except for the right of the association for contribution from each property owner for costs attributable to mutual benefit on a theory of implied contract.

4. **Emergency Road Access.** The applicant proposes an emergency access road for use of emergency services for property owners of both Pinehurst Estates and Surf Pines.

Some persons living within Surf Pines object to the access road on the basis that the applicant has no authority to use their roads. As noted before, applicant has submitted legal proof in the form of an existing easement which demonstrates the right of access. In light of this information, the primary consideration left for consideration by the Planning Commission are the policies of public health, safety and welfare. The actual legal ability of the applicant to enforce their rights of access over and across the Surf Pines road system is appropriately the applicant's responsibility. Condition 40 of Exhibit 14 has been met relative to Surf Pines Roads.

The applicant has the legal right of access over and across all of the Surf Pines roads. During the hearing, the applicants' attorney, Mr. W. Louis Larson, submitted and placed in the record, that easement by and between Barney Lucas and Helen Lucas to Harold A. Miller and Herbert Malarkey and Elizabeth B. Malarkey, husband and wife, recorded at Book 203, Page 413. This easement created the legal right of passage and access from their properties which lie south of the now claimed Surf Pines south boundary over and across not only the roads immediately adjacent but also any and all roads within Surf Pines. This legal right was not personal to the individuals but was a benefit bestowed upon their land for them and their successors in interest. This easement right can be legally enforced if necessary should the applicant decide to install the emergency access road.

The argument of opponent Delores Nicholson is mistaken. It's apparent from her argument that she is confusing the rights created by an easement of ingress and egress with the recorded agreement for construction of improvements upon the Miller and Malarkey property. The construction agreement was attached to Mrs. Nicholson's submission which is Exhibit 22 and has no meaning in the context of this issue.

5. **List of Restrictions.** Clatsop County subdivision ordinance Section 5.226(22F) require that a list be submitted of the restrictive covenants which are to be recorded. The following is a list of the intended covenants to be applied to and become part of the restrictions on the property through either plat restrictions or deed restrictions:

Brooks Resources Corporation
416 N.E. Greenwood
Post Office Box 6119
Bend, Oregon 97708
Phone: (503) 382-1662

November 22, 1982

Richard Schroeder
600 S. W. 10th Street
Suite 527
Portland, Oregon 97205

Dear Rich:

Brooks Resources, on some basis, would like to be considered for inclusion in your program to develop your Gearhart property.

We feel that with our experience in development and operation of Black Butte Ranch, we could help.

The property, because of its size, location, and amenities, has the potential to make a world class destination resort.

Cordially,

William L. Smith
President

WLS:lb

1 March 1994

TO: All Surf Pines Property Owners

You may know that ten property owners who live in South Surf Pines have engaged an attorney to combat a land grab attempt by the heirs of Surf Pines developer Barney Lucas. Your neighbors on Manion and Ocean (South of Dr. Raglione's home) desperately need your support.

Essentially, James Lucas and Pat Beall (the heirs) claim ownership of approximately 27 acres of accreted land in the Southwest corner of Surf Pines. Their claim has apparently been tacitly acceded to by the county assessor's office which on 5 March 1993 established two new tax plats on property that is deeded to the Ocean Drive homeowners. These new tax plats are West of Surf Pines Beach Addition; they run parallel to each other and to the shore.

James Lucas has also requested the Clatsop County Department of Planning and Development *rezone the land in these plats from unbuildable to buildable.*

Informal efforts on the part of Surf Pines Beach Addition homeowners, to have the County Assessors's Office correct what is obviously an illegal plat, have been rebuffed. However, the Clatsop County Board of Commissioners has agreed to investigate this matter and it will be addressed at the bi-monthly meeting to be held at *7:00* p.m. at the Astoria Courthouse on 9 March 1994.*

Your support is very much needed to show a *UNITED SURF PINES*. If James Lucas is successful in his efforts to gain ownership of our property, the results could potentially have adverse effect on all Surf Pines residents. *We encourage each of you to attend this 9 March meeting to demonstrate concern and support.* If you have any questions, or wish more detail of this situation, please call one of us.

MIKE & BEA WARD
2044 Ocean Drive (738-3063)

GENE & NORMA KEEVER
2006 Ocean Drive
Norma(738-5069) Gene (738-7871)

BARBARA HARRAH
2060 Ocean Drive (738-0550)

**These meetings usually begin early!*

Developer: Dune line key

By ANDREA KENNET
Of The Daily Astorian

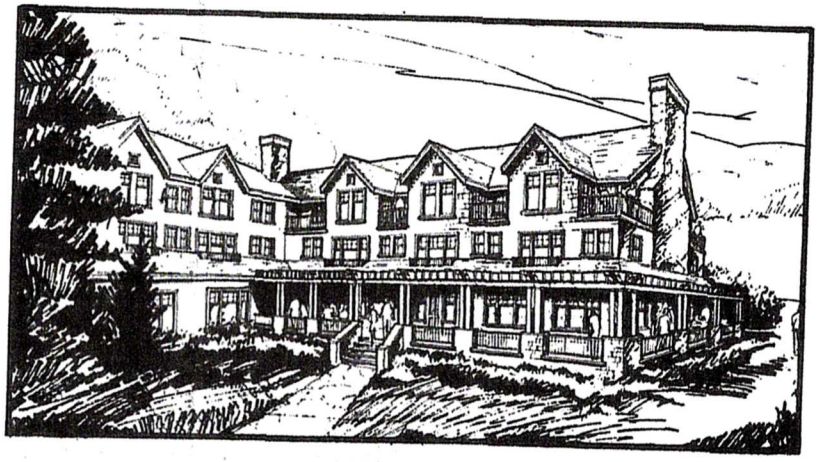
A Bellevue, Wash., company will withdraw its $100 million destination resort and world-class golf course proposal for the Del Rey Beach area if the Clatsop County commissioners don't grant a construction boundary consistent with neighboring development, the project manager says.

"We're not trying to give them ultimatums," said Richard Schroeder, a property owner who is coordinating the project for Northwest General Corp. Rather, Northwest General will offer a compromise of sorts Wednesday, when the Clatsop County Board of Commissioners considers its request to move the active dune and construction setback lines. The hearing will begin at 10 a.m. in the county courthouse, 749 Commercial St., Astoria.

The development company would temporarily drop its request to move the active dune line 800 to 900 feet west from that established by county planning consultants in 1978. Consultants for Northwest General have contended the Clatsop Plains beaches have widened significantly during the past 50 years. No construction can occur west of boundaries for active dunes, which migrate, grow and diminish with the effects of wind and sea.

Richard Schroeder

RATHER THAN BUILD all the way to the dune line, however, plan was drawn up in 1978. The building line for the Highlands lies west of Northwest General's because the dune diminishes at Highlands Road, said Curt Schneider, county planning director. He and Schroeder disagree over when the line for the Highlands was established.



DRAWING COURTESY NORTHWEST GENERAL INC.

The old Gearhart Hotel inspired the design of a 200-room lodge at a proposed resort on Del Rey Beach.

SCHROEDER SAID THE compromise was also offered to the county Planning Commission, which voted 4-1 July 19 against changing the dune and construction lines and making related zoning changes. The planning body's recommendation to the county board is not binding.

Proponents who testified before the Planning Commission praised Northwest General's plans and said the development would be an excellent addition to the North Coast. The Clatsop Economic Development Committee and the Port of Astoria Commission recently endorsed the project. And in an August phone survey of more than 400 county residents, a research firm hired by the develop-

ment.

Of more than 400 acres in the development, more than 65 percent would be open space, in part for butterfly habitat. Part would be for the golf course, most of which would remain in its natural state. Only greens, tee areas and "landing areas" in between would be developed.

Schroeder said he had put together an advisory group, including a Nature Conservancy representative, to help develop a habitat plan, to be ready perhaps by December for the U.S. Fish and Wildlife Department's review.

Schroeder said a rejection by the county commission would "to a certain degree send a loud message they don't want us here." He also

Salishan, a coastal destination resort in Lincoln County. The golf course would be the resort's featured attraction and would be designed by Weiskopf/Morrish, which Schroeder said was honored as designing the top golf courses in 1986 and 1989.

THE COMPLETED RESORT would also include a 210-room lodge designed after the old Gearhart Hotel, a 20- to 30-room bed and breakfast inn, 50 to 80 condominiums and about 300 private residences. The three-story lodge, to be built in two phases, would include restaurants, meeting rooms, shops and recreation facilities.

Schroeder ... said

2-car crash hurts thr

SEASIDE — Three women injured in a two-vehicle acc Monday on U.S. Highway 10 front of LOG Inc. auto wrec near the Cannon Beach Junctio

Mary Patricia Appel, 28, of Seventh Ave., Seaside, and land residents Annabel Lee P 76, and Gerry Virginia Allard were treated for minor injuri Providence Seaside Hospital released.

Oregon State Police rep Poole was driving a Plym Radiant north on Highway 101 turned left in front of Ap southbound 1989 Ford Troopers said the van hit the front of the Plymouth.

Medix Ambulance Service responded to the 9:30 a.m. acci and took the injured to the hospi

Another passenger in Po vehicle, Valarie Mary Hovdey, of Portland, was not hurt, p said.

Police said Poole and passengers were wearing sa belts at the time of the acci but did not indicate whether A was.

City invites grant reques

CANNON BEACH — The Parks and Community Servi Committee is soliciting g applications from non-profit or nizations.

116th YEAR, No. 160 WEDNESDAY, FEBRUARY 14, 1990

Lines drawn in dispute over dunes

Consultants' views of erosion differ

By JOAN HERMAN
Of The Daily Astorian

The Clatsop Plains shoreline is either stable or vulnerable to erosion, depending on who was testifying at a hearing on a request to move a dune demarcation line.

The Clatsop County Planning Commission began hearing testimony Tuesday evening about the request by Richard Schroeder and eight other Surf Pines-area property owners to move the so-called "active dune" line 500 to 600 feet west.

The applicants contend that unless the dune line is moved west, the site between Surf Pines on the north and the Del Rey Beach wayside on the south will not have enough buildable land for a proposed destination resort.

The active dune line is the demarcation point for determining how close to the ocean development can occur.

But opponents of the request said the applicants had provided far too little information about erosion rates and the proposed resort itself to justify moving the dune line.

The Daily Astorian—KENT KERR

Engineering geologist Leonard Palmer, left, answered a question from county Planning Commission member Jeff Hartman about the existing dune line on the dunes just north of Del Rey Beach Road Tuesday. Palmer led a tour of the site of a proposed destination resort between Del Rey Beach Road and Surf Pines.

MORE THAN 50 people packed the council chambers in the Seaside City Hall for the 3½-hour Planning Commission hearing. The seven-member commission made no decision about the request because the applicants wanted the hearing continued in

committee, the Clatsop County Board of Real

scribed in 1978.

buy more land as well, Lilly said. The

When 'oceanfront' isn't

3-30-94

Surf Pines homeowners cry foul over county's recognition of 'new' landowners

By GREG SPENCER
Of The Daily Astorian

If someone owns property labeled "oceanfront," does that mean it's literally on the oceanfront? Apparently not in Surf Pines.

Thirteen homeowners in the exclusive Surf Pines Beach Addition north of Gearhart learned recently that their oceanfront properties don't extend to the ocean. And they're blaming the loss on the county government.

The homeowners all own land that for many years was a stone's throw from the Pacific Ocean. But because of steady sand accretion over the last 50 years, that stone's throw has grown to several hundred feet.

THE HOMEOWNERS STILL enjoy ocean views obstructed only by the shifting sand dunes between them and the water.

But earlier this year, they learned something else has entered the gap: two recently platted lots covering about 28 acres.

The homeowners all claim they bought their lots with the understanding they owned all the land between their homes and the high-tide line — no matter where that may be in a given year.

But Clatsop County Assessor Glen Jones said that, according to information available to him, two Portland residents own the property on the ocean.

The two Portlanders, Jim Lucas and Patricia Beal, are the heirs of Barney and Helen Lucas, who bought 86 acres of waterfront property in Surf Pines in 1945. The Lucases' old deed to the property explicitly entitles them to the 86 acres, defined by certain metes and bounds, as well as "all accretions west of the property and land between the west line and the high-tide mark."

The homeowners are seeing red over two recently platted lots between them and the ocean

The 13 homeowners own lots within the Surf Pines Beach Addition, a rectangular subdivision platted within the Lucases' original tract in 1949. That subplat, according to county records, covers a finite area 1,845 feet long and 472 feet long.

The metes and bounds of the subplat were surveyed off fixed, land-based benchmarks. But a map of the subplat labels its western boundary "high-tide line."

The homeowners cite this notation as proof that their titles give them ownership to the high-tide line.

FURTHER, THEY SAY Oregon law gives beach property east of the tide line to the upland owners.

"This property has been sold as waterfront property from the beginning," said Barbara Harrah, one of the 13 concerned homeowners. "Lucas didn't come up four years ago, or 20 or 30 years ago. He came up now. And we're saying, 'No, you can't do that.' "

But the attorney for Jim Lucas said the property deeds simply don't support Harrah's or the other homeowners' claims.

The Surf Pines Beach Addition is unusual for waterfront property because it was platted with a definite western boundary, said Lynda Hartzell, a Portland attorney.

See Oceanfront, Page 11

Oceanfront: Property owners fault the county

Continued from Page 1

Whereas most waterfront properties in the area are platted to a nebulous high-tide line, Barney Lucas was compelled by the county to plot a fixed western boundary, defined as parallel to the eastern boundary and a certain number of feet away from it.

Hartzell acknowledges that the 1949 subplat of Surf Pines Beach Addition indicates the western boundary and the high-tide line are one in the same. That was true in 1949, she said. "But it's just a map reference and I think everyone understands that high-tide lines move."

The homeowners can't believe anyone would sell them waterfront property that doesn't go to the waterfront.

"PART OF THE problem is the intent of Barney Lucas," said homeowner Mike Ward. "Did he intend to sell that property to the ocean? We're sure he did."

Hartzell abides by no such assumption.

"There's no one around to say why Surf Pines Beach Addition was platted with metes and bounds," she said. "Legally, property must pass by deed. People can't will property."

Hartzell said Lucas and Beal learned of their land claim through the probate of Helen Lucas, who died just over a year ago. After discovering they had title to 28 new acres, they procured plats of two new lots with the county.

"There's a perception that Jim Lucas is trying to acquire property — he's always owned it," Hartzell said.

The land is sandy dune area zoned by the county as "open space parks and recreation." Outright uses in that zone include forestry, parks, watersheds, and historic areas. Conditional uses include hunting and fishing, trails for hiking and horses, marinas and cemeteries.

The area is coastal, though, which makes it more restrictive, said Dave Carpenter, senior planner for the county. "You'd have to analyze it to see what could be built there," he said.

Hartzell said Lucas hasn't investigated his options. And she said Lucas was caught off guard by the sudden furor of his neighbors.

"Nobody's asked Jim Lucas if he'll talk to them, about what he wants to do with the property or whether he wants to sell it," Hartzell said.

BUT THE PROPERTY owners aren't acknowledging Lucas as the owner. They're painting Lucas as a newcomer, and they're angry with the county for recognizing his ownership.

Harrah, the first homeowner to learn of the new waterfront lots, said she found out from a real estate agent.

Harrah put her home up for sale around New Year's, "and a few weeks later, (the agent) told me I don't own oceanfront property."

Harrah, a former real estate agent herself, looked up records at the county courthouse in Astoria and confirmed the existence of two new lots in front of her property.

Harrah and the other homeowners have taken their case to the assessor's office and to the Clatsop County Board of Commissioners, but no one has championed their cause.

Assessor Jones said it isn't the county's role to settle property disputes. "We put on our records the best information we have available" Jones said. "And the best information we have is it's the Lucas's property."

The homeowners, who are pooling resources for a lawsuit, say the county's acknowledgement of Lucas's rights has put them at a disadvantage.

"My concern is that the county designated a lot without good information," said Harrah. "Now we're forced into expensive litigation because the county didn't do its homework."

AB837
NOTICE OF HEARING

Clatsop County Commission will hold a public hearing on Wednesday, April 13, 1994, at 7:00 p.m. at the County Courthouse in Astoria on a proposal to create a rural law enforcement service district pursuant to ORS Chapter 451 for the purpose of financing certain activities of the Sheriff's Department which provide general law enforcement services to unincorporated areas of the County.

The boundaries of the district encompass all lands in the County not included within an incorporated city.

All interested persons may appear and be heard.

Publication Date: March 30, April 6, 1994

Pinehurst LLC
6443 SW Beaverton Hillsdale Hwy Suite 234
Portland, Oregon 97221

July 31,2001

Mr. Ralph Todd, President
SPA
33236 Silverspot Lane
Warrenton, Oregon 97146

Re: Pinehurst Gates

Dear Ralph,

Last Sunday we witnessed a number of Surf Pines people forcing our emergency gate open to enter our development. In addition, members of the SPA are still accessing our property through the Weston property. How many times do we need to address this issue?

We would appreciate very much if you would discuss this issue in your annual meeting. Please tell your members that the fence is there because your Association and the SPA BOD required it. We would also like to remind you that we decided not to pursue the use of our recorded road easements, which allowed us the use of your roads. Surf Pines wanted the developments to remain separate. We have tried to honor that commitment to both the SPA and the County. It is absolutely inconceivable to us that your BOD and Association could expect us to allow SPA members in our development after all the grief you gave us during the hearing process. In addition, we are tired of various SPA members complaining about activities in Pinehurst. Every time this happens we have to defend our actions which cost money. We have done our best to be good neighbors.

Given the fact that we will soon be on line with our tennis court, basketball court and swimming pool, we have instructed our fence man to tighten up all fences. If the problem persists, we will increase the fences and begin a planting program on all our boundaries. What a shame, the two developments should have been joined?

Sincerely,
Richard T. Schroeder
Richard T. Schroeder

Cc: Bill Barrons

Board Doings ..... *page 1*
Surveys ..... *page 1*
Power Lines and Trees ..... *page 2*
Trail's End Marathon ..... *page 3*
Security Gate Procedures ..... *page 3*

vol. III, no. 3
march 1996
Surf Pines Association Newsletter
for all members

the Surf Pines Breeze

What's the Board Been Doing?

Board Changes

To our regret, Mickie Chopping resigned from the board in February because of conflicting commitments with her other activities. Her duties as treasurer have been assumed by Chuck Johnson. Louann Riggan agreed to replace Mickie on the board. Along with Al Laakso, Louann will provide us with the perspective of a long-time resident familiar with the community's history, an invaluable asset since most of us are relative newcomers.

House Height Violation

As a result of our protest over the violation of the 26-foot house height limit by the builder of the home at 63 Surf Pines Landing Drive, the county has begun to institute new enforcement procedures. A code compliance officer has been appointed to investigate complaints about zoning codes, dangerous buildings, and solid waste disposal ordinances. If violations are found, the goal will be to reach compliance. Only if that fails will enforcement proceedings be pursued.

Wednesday evening the County Board of Commissioners grappled with the problem of how to handle this particular violation. The owners of the home claim that the planning department was at fault for mistakes in approving the plans and for not advising them in a timely fashion of the excessive height. They have indicated they will sue the county if enforcement is pursued. On advice of county counsel, the commissioners decided to refer the whole matter to the Circuit Court for adjudication, since it will in any event end in court. Needless to say, we will continue to follow future handling with great interest.

see Board, *page 2*

Board Meetings

The next two meetings of the Surf Pines Association Board are
Thursday, March 21, 1996 and
Thursday, April 18, 1996,
4:00 pm, Bloomfields', 2364 Manion Drive.

Members are always welcome. Just in case there's been a change, call a board member if you plan to attend.

Surveys

One of contemporary life's fixtures is the public opinion survey. Not to be outdone by the politicians, the board recently asked members' opinions about two important subjects: adopting CC&Rs for Surf Pines and our security situation. We herewith report the responses we've received.

CC&Rs

(Report from John Orr)

Forty-seven members responded to our questionnaire on the desirability of adopting covenants, conditions and restrictions (CC&Rs) for our community. This number represents considerably fewer than one-quarter of Surf Pines property owners (currently numbering about 280), a sampling indeed but hardly representative. Should we assume indifference on the part of those who did not reply?

The survey asked for comments on seven areas: prohibited property uses; design restrictions; landscape rules; restrictions on vehicles and storage sheds; noise restrictions; regulations affecting homes and other structures; rules guiding enforcement.

An overview of the responses shows 42 out

see Surveys, *page 2*

CLATSOP COUNTY

Courthouse . . . . Astoria, Oregon 97103

October 8, 1973

Mr. Barney Lucas
P. O. Box 604
Gearhart, Oregon 97138

Dear Mr. Lucas:

The Clatsop County Planning Commission at their regular appointed meeting of October 2, 1973 unanimously approved an amendment to your Colony Surf Planned Development as it was presented to them by you on that date and as outlined in your letter to Mr. David Pratt, Chairman of the Planning Commission dated August 27, 1973.

We are returning a copy of the fifteen acre tract rendering which you presented at the meeting with our approval noted thereon. We understand that you wish to consolidate your 567 approved units (maybe less, but no more) into the fifteen acre area, with the thirty-three acre Phase I area remaining for golf course use only.

We are also enclosing copies of the minutes of the October 2nd and September 11th Planning Commission meetings for your information and files.

This amendment is given with the understanding that water and sewer will meet State standards and have the approval of D.E.Q.

We are anxious to see this fine development on Clatsop Plains as it will help the financing and construction of the sewer system for the region.

Please let us know if we can be of any further help.

Sincerely,

Peter F. Paulson

Peter F. Paulson
Planning Director

PFP:jn

Enclosures

SKELTON & SKELTON, P. C.
CERTIFIED PUBLIC ACCOUNTANTS

HARRY D. SKELTON
H. DAVID SKELTON
SUSAN K. BOLENBAKER

TERMINAL SALES BUILDING
PORTLAND, OREGON 97205
TELEPHONE 503-224-9454

May 7, 1974

Mr. Barney Lucas
6785 SW Canyon Rd.
Portland, Oregon 97225

Dear Barney,

Re: Prescott Property 33 Acres

You have suggested by telephone that the above property should be transferred to Jim along with certain other equipment and possibly he, Schroeder and Zoller should form an organization to develop a golf course. As a starting point in consideration we suggest the following:

1. Jim contribute the 33 acres to the golf course along with some quick coupling sprinklers and 1 1/2 tons of golf course grass seed.

2. Schroeder will contribute $100,000 cash.

3. Zoller will contribute his expertise and supervision for the golf course design and construction.

In exchange for the above, Jim Lucas will have 25%, Schroeder 50% and Zoller 25% of what ever type of organization is established.

Should the $100,000 not be sufficient for golf course construction (without club house), Barney Lucas agrees that he or his estate will give Jim Lucas up to $25,000 for completion of the construction. Should this $25,000, or any portion of it, be required Jim Lucas will have a corresponding increase in his percent of ownership to a maximum of 12% with an offsetting 8% reduction for Schroeder and 4% reduction for Zoller.

In general, it is understood that Schroeder will be full time operating manager upon completion of the golf course and the other two individuals will hold their interest as investors.

Several items will have to be determined such as form of the organization (partnership, Subchapter S, limited partnership); sale restrictions and buy out provision; salary to be paid to the operating manager and possible other salaries if appropriate.

Copies of this letter are being sent to Jim, Schroeder and Zoller for their consideration. Any changes or suggestions proposed by the three should be forwarded or called in to this office. At such time as all three parties are in agreement, with the general terms of this proposal, an attorney should be called in to write up the necessary papers.

Very truly yours,

H. David Skelton

for Harry D. Skelton

HDS:lw
cc Richard Schroeder
John Zoller
Jim Lucas

N. ~~road~~
W - ridge
E Hoffmans
S road

CLATSOP COUNTY

"Striving To Be First In Quality Service"

DEPARTMENT OF PLANNING AND DEVELOPMENT

July 30, 1991

Richard Schroeder
Montgomery Park
2701 NW Vaughn, Suite 438
Portland, OR 97210

RE: Colony Surf Status

Dear Mr. Schroeder:

You have asked about the status of the Colony Surf approval given by Clatsop County in 1969 and amended in 1973.

I reviewed the situation with Ken Eiler, Legal counsel and we are both of the belief that there is no "vested rights" at this time, given the facts you presented. Clatsop County has revised its land use plan (1980 and 1983) and neither of the plans provided for densities noted in the Colony Surf approval.

If you have other questions regarding this matter, please do not hesitate to call me at (503) 325-8611.

Cordially,

Curtis J. Schneider, Planning Director
Department of Planning & Development

CJS/sks
Enclosures
cc: Ken Eiler, County Counsel

P.O. BOX 179 • 749 COMMERCIAL • ASTORIA, OREGON 97103 • (503) 325-8611 • FAX 325-8606

nal of Commerce
IESS NEWS OF EACH BUSINESS DAY

ID, OREGON, WEDNESDAY, MAY 7, 1969 · Second Class Postage Paid Portland, Oregon 97210 PRICE FIFTEEN CENT

Tracts Uranium Million

ıa Company y Material

ıeral Electric Co. to buy uranium $20 million from ɔrp. of Oklahoma

material will be ıel the power re- Trojan nuclear ɔn the lower Co- ıear Goble.

of nuclear fuel distinct steps — lling, conversion ıexafluoride, en- ıbrication. Under its contract with ?ee will perform eps.

ıent process can y the U. S. Atom- mission at one of diffusion plants. material will be fuel assemblies se Corp.

e will supply the supply system for -kilowatt nuclear PGE expects to ion in September,

nts Rise t Grove

ROVE (djc)—One apartment com- built here in the rs is under con- 2nd Avenue.

w Park, the $406,- will consist of 46 its. Developer is tment Associates. of construction is completion about

Open Road To Begin Camper Manufacture At Wood Village Plant

WOOD VILLAGE (djc) — Open Road's new camper manufacturing plant here should be in operation by May 10, according to Joseph Leff, vice president and regional manager.

Hiring of plant personnel was under way, with the utlimate work force estimated at 150. Being sought in particular were workmen experienced in all phases of camper manufacture, but some trainees also were to be hired.

Formal opening of the new facility has been scheduled tentatively for June.

Redmond To Build New High School At $3 Million Cost

REDMOND (djc)—Advertisement for bid on a $3 million high school in Redmond will be May 28.

Bids will open June 17 at 8 p.m. in the city clerk's office for the school to replace the existing Redmond High which will be converted into a junior high.

The 160,000-sq. ft. one story structure will be constructed on a 40-acre-plus site located at Ehret Road and Sisters Highway. Plans and specs may be obtained from Lutes and Amundson, architects, Box F, Springfield upon deposit of $100 a set.

Fireproof School Set

The school will have fireproof steel frame with poured in place concrete and will contain a 600-seat auditorium, a 30,000-sq. ft. gymnasium with locker rooms, and a 3,000 sq. ft. food service area.

A vocational education building will be connected to the main building by separate walks.

The structure will have con-

Multi-Million-Dollar Development On Coast

Clatsop Commissioners Approve Plans For Apartment Units, Golf Course, Pool

ASTORIA (djc) — Clatsop County commissioners have approved a proposed multi-million dollar apartment and recreational development at Del Rey Beach in the Gearhart area.

Developers of the proposed Colony Surf are Barney Lucas and associates.

First phase of the development would entail construction of a nine-hole golf course and 344 apartment units on about 35 acres.

In the second phase, a golf clubhouse, swimming pool and 233 more apartment units would be built on 2.3 acres. One of the apartment buildings would rise eight stories.

Plans for the third and final stage of development have not yet been disclosed.

County commissioners' approval of the development was based on a recommendation of the county planning commission. The approval was subject to State Sanitary Authority requirements for sewage collection and treatment facilities and placing of all utility lines underground.

Amendment Asked

Lucas was represented by Attorney Robert Anderson in requesting an amendment to the county zoning ordinance to allow a planned development in an area zoned for residential use.

Anderson said Lucas was Clatsop County's "most important land developer." Over the years, he said, Lucas has been responsible for adding more than $4 million in property value to the county tax rolls.

No one appeared in opposition to the development.

New Owners Plan Renovation Work For Old Building

The 57 - year - old Woodlark Building in downtown Portland has been sold for some $400,000 and the new owners have announced plans to continue modernization work on the eight-story structure with emphasis on retaining the building's original architectural distinctiveness.

The building was purchased by Dr. and Mrs. Omar J. Noles from the Scottish Rite Masonic Lodge, under a trust to the U. S. National Bank of Oregon.

The closing was arranged by Metzger-Parker Co., real estate firm with offices on the second floor of the building and responsible for its management since 1933.

Mrs. Noles, BJ, is the society editor of The Oregonian. Dr. Noles is affiliated with Oregon Optical Co. at 718 SW Alder, wholesale and manufacturing

INSIDE JOURNAL

MANY NEW INDUSTRIES promised with coming of nuclear power to Oregon. See story on ..... Page 6

Bid Openings 8
Building Permits 8
Business Licenses 2
Courts 7
Equipment Bid Calls 2
Local Stocks 8
Official Call For Bids

Texaco was a standout in the oils. Polaroid made some progress as did Itek Corp.

Dow Jones final stock averages: 30 industrials 787.30, up 3.62; 20 railroads 193.02, up 0.67; 15 utilities 133.03, off 0.72, and 65 stocks 276.64, up 0.71.

Sales today were 5.69 million shares compared with 6.84 million shares Thursday.

UPI Market Indicator

Today's closing net price change of all NYSE stocks traded, computed by Qutron Service, was off 0.10 from Thursday's close.

Using April 1, 1966, prices as a 100 base, the indicator closed today at 81.79.

	Share Volume
Advances	2,430,000
Declines	2,400,000
Unchanged	86,000
Total	5,690,000

NEW YORK STOCKS

By United Press International

Allied Chemical	34
Alum Co Am	74¼
American Air Lines	51¼
American Can	47¾
American Hosp Supply	41⅝
American Motors	9
American Standard	14⅞
AT&T	55¼
American Tobacco	33
Anaconda Copper	73½
Armco	46½
Avco Corp	21⅜
Bendix Corp	29⅛
Bethlehem Steel	27⅞
Boeing Air	47
Boise Cascade	18¼
Brunswick	6⅛
Burroughs Corp	65¾
Castle & Cooke	25¾
Caterpillar Corp	33⅝
Chrysler Corp	33¾
Coca Cola	81
CBS	53¾
Columbia Gas	26
Comsat	40
Con Freight	15⅝
Crown Zellerbach	41
Crucible Steel	20⅝
Curtiss Wright	16⅛
Cyprus Mines	30⅞
Dow Chemical	60
Du Pont	148
Eastman Kodak	117⅛
Evans Products	21½
Fibreboard	27½
Firestone	44⅝
Ford	42
General Dynamics	47
General Electric	93
General Foods	71⅝
General Motors	72¼
General Portland Cement	9½
Georgia Pacific	31¾
Gr. Northern Ry	50¼
Greyhound	16⅛
Gulf Oil	57¾
Homestake	38¾
Idaho Power	32½
Ideal Cement	14½
I.B.M.	322
Int Paper	25
Johns Manville	47¾
Kennecott Copper	33½
Kimberly Clark	48⅜
Lockheed Aircraft	55⅝
Lone Star Gas	20¾
Martin	19
Merck	69¼
M.M.M.	72½
Montana Power	33⅝
Montgomery Ward	23¾
Natl Biscuit	45
New York Central	59½
Northern Natural Gas	44⅛
Northern Pacific	44⅝
Pac Gas Elec	31¼
PP&L	22½
Penn Ry	46½
Penncy J. C.	50¼
Phillips	49½
Procter Gamble	75⅝
Radio Corp	43
Safeway	26½
Sears	47⅝
Shamrock Oil & Gas	34
Shell Oil	63
Mobil Oil	47⅜

Local Securities

Quotations from the National Association of Security Dealers, Inc., at 11 a.m. today. Bids and asked prices are interdealer prices and do not include retail markup, markdown or commission except asked prices identified by an "X" have been adjusted to include approximate markup.

	Bid	Asked
Bank of America	49¾	50⅛
Calif Pacific	23⅞	24⅜
Equitable S & L	11	11½
1st Natl Bank	42	43½
Hyster Co.	34	35
Jantzen	14¾	15¼
Morrison Knudsen	23¾	24¼
Mult Kennels X	3	3⅝
N. W. Natural	11⅝	12
Omark	10⅞	11⅜
Ore Met	6½	6⅞
Ore Freeze Dry X	8	8⅞
PGE	20½	20⅞
Sawyer's X	15¼	16½
U.S. Natl Bank	31½	32½
Sunnyside Tel X	4½	5

MUTUAL FUNDS

	Bid	Asked
Affiliated Fund	8.06	8.71
Bullock	13.70	15.02
Chemical Fund	14.67	16.04
Colonial Fund	11.52	12.59
Comw Inv	9.18	10.03
Div Growth	11.14	12.26
Dow Theory	6.48	7.01
Dreyfus	11.35	12.39
E & H Stock	14.35	15.59
Equity Fund	9.17	9.50
Fidelity Capital	13.54	14.72
Fidelity Trend	24.80	26.96
Fundamental	10.54	11.55
Founders Fund	7.15	7.81
Group Sec Com	13.05	14.29
Gr Sec Aero	9.19	10.07
ICA	11.53	12.60
Keystone S-1	19.06	20.80
Keystone S-3	7.47	8.15
Keystone S-4	4.56	4.99
M.I.T.	15.17	16.58
M.I.T. Growth	9.72	10.62
Natl Inv.	6.06	6.55
Natl Sec Div	4.22	4.61
Natl Sec Growth	8.60	9.40
Natl Sec Stock	7.86	8.59
Morton Gr.	8.31	9.11

Auxiliary Sets Art, Hobby Show

WHEELER — The Harvey E. Rinehart Memorial hospital auxiliary is holding an art and hobby show, which includes a cooked food sale, at Pine Grove community club hall in Manzanita Saturday from 1 to 9 p.m. Entries will be received from 9 a.m. until noon. Admission charge will be nominal.

Spruce Rebekah lodge committee is planning Halloween decorations for carnival in their hall October 29 at 8 p.m.

Fish Count

PORTLAND (UPI) — Columbia River fish count for Oct. 20: Bonneville: Chinook 144, steelhead 73, silvers 62. The Dalles: Chinook 167, steelhead 141, silvers 53. McNary: Chinook 168, steelhead 861, silvers 3. Ice Harbor: Chinook 43, steelhead 236.

Egg Prices

PORTLAND (UPI) — Egg market:

Eggs — To producers f.o.b. ranch: AA extra large 41-43c; AA large 39-41c; medium 33-35c; AA small 21c.

and I could not move and my arm was hurting. The children were lying all over the place."

Arthur Owens, a 40-year-old automobile mechanic, was one of the first to reach the scene. He found at least six homes inundated.

"They fell like a pack of cards," he said. "We found one lady underneath the rubble, still in bed. We rescued her.

"We shouted to see if there were any more underneath, but there was silence. Later we were told there were some children in the house. There is no sign of them."

County Board Hears Letters Involving Land

Correspondence with the board of Clatsop county commissioners was heavier than usual in recent days. Reading of 16 letters at the past weekly meeting bears out the fact.

Reading of the letters by commission Secretary Helen Griffith took up much of the meeting agenda. Several of the letters were of routine nature but others concerned land.

Land matters included road development, county property and proposed right-of-way vacations.

Portlander George C. Fraser stated in his letter that he owned 30.3 acres of land which might be involved in a proposed road development, the road running through his Clatsop Plains property to the beach. He asked the commission to keep him informed. He identified the land developer as Barney Lucas, well-known county business-man.

Right-of-Way

Lucas was also identified with another proposed development. Marsh Hoffman of Astoria stated that he owned 1,600 feet along a public right-of-way that continued through Del Rey beach. He requested a written report concerning the right-of-way vacation asked by Lucas.

Julian P. Prescott of Warrenton wrote about land his mother owns on the right-of-way between U.S. Highway 101 and the ocean at the north side of the former Del Rey beach subdivision. Mrs. Prescott owns 31 acres and about 900 feet adjacent to the road.

Prescott urged the commission not to vacate an existing right-of-way, then face the possibility of having to condemn land to get a new right-of-way at additional taxpayer expense.

A Seaside property owner also went on record as offering for sale to the county approximately eight acres of land for $1. The letter was given to the commission by Newt Schneider, manager of the Seaside chamber of commerce. The land offered must be used for a convention center, and John and Marguerite Phillips, owners of the property, stipulated the acreage offer would be in effect for six months following voter approval of the $750,000 bond issue on the November ballot. This property is south of Broadway street in Seaside and west of Wahanna road.

Mr. Russ Fetrow
Department of Environmental Quality
2595 State
Salem, Oregon

Dear Russ:

I just returned from California and was expecting a letter from the DEQ pertaining to what we talked about in our Portland, September 15th., meeting.

To refresh your memory; basically you stated you would send me a copy, carbon copy to Hiram Johnson Clatsop County Commissioner, stating that we should begin attempts to form a county service district running from the northern boundary of Gearhart to the county road located at the north end of Sunset Beach. Then, you further stated that if we completed the necessary steps to carry this out and a public hearing was held and if the voters of Clatsop County still chose to reject the formation of such a district we, Colony Surf, should come back to you people, DEQ, and further explore our situation as to what type of interim facility we can construct so as to proceed on our planned unit development, golf course, as far as sewrage disposal is concerned.

Please let me hear from you so we can proceed with our plans to get things moving ahead in Clatsop County. I think the only way their is even the slightest chance of getting this unpopular matter resolved is to begin discussion into alternative possibilities to the CH2M Hill Comprehensive plan immediately.

Most Cordially,

Jim Lucas

cc: Mr. Hiram Johnson
Clatsop County Commissioner
Mr. Richard Schroeder
Mr. Robert M. Johnson

Commissioners Score DEQ 'Squeeze Play'

Clatsop commissioners drafted a formal objection Friday to what they call a State Dept. of Environmental Quality (DEQ) squeeze play over a $125,000 loan for a sewer study.

"We are at a loss to understand how the Colony Surf project can have any possible bearing upon our application for a sewerage study loan," the commissioners said in a letter drafted by Dist. Atty. Frank Coumont and signed by Commissioner Chairman Hiram Johnson.

The letter was drafted as a response to a threat that DEQ wouldn't process Clatsop County's loan request if the Colony Surf condominium project was approved in an area governed by a ban on large scale building.

The condominium, planned by Portland developer Barney Lucas, involves some 100-units, 200-baths and four stories north of Del Rey Beach Road near Gearhart.

"As of this date there is no application relative to any phase of this particular project before the Board of County Commissioners," the letter said.

Johnson said the County isn't involved now in granting approval to the project.

The letter continued:

"Our zoning ordinance requires that prior to the acceptance of an application for a building permit it is necessary that the matter of sewage disposal be approved by the appropriate county and state authorities.

"Therefore, the Board of County Commissioners is in no position to make any determination regarding this project unless and until such time as a formal application is filed."

The letter said the preliminary plan for the condominium project was approved on April 9, 1969 subject to review by the State Board of Health and the Oregon State Sanitary Authority.

Commissioners said project plans have gone to the State Health Division and asked DEQ to approve the loan request "without delay due to the urgency of our needs in Clatsop County."

The $125,000 loan would cover costs of a sewerage engineering study on the Plains by a Portland firm, CHHM-Hill.

Commissioners view the project as a challenge to the strength of the DEQ construction ban on the Plains, which prohibits building to serve more than five families or 50 persons.

If the Health Division approves the subsurface sewage disposal system for Colony Surf, commissioners feel DEQ should not be involved any longer.

DEQ, however, has asked the County and the State Health Division to comply with the building ban and says it will appeal to Gov. McCall to assure compliance if necessary.

Dave Fiskum

Front Page
Budget
Oct 9 - 1972

DEQ backs division of plains sewer dist.

An Oregon Dept. of Environmental Quality (DEQ) spokesman said Monday that agency is encouraging splitting the proposed single county sanitary district in Clatsop Plains into a north and a south plains service district.

Russ Fetrow said, "Politically it's almost impossible to have one service district serve that whole area. A more viable approach to sewering that area is to form two districts so the people in the North Plains area can deal with their problems and the people in the South Plains area can deal with their problems."

Splitting up the plains area into two districts would be counter to the recommendation contained in the Clatsop Plains Sewer Study completed earlier this year.

county sanitary district actively is being pursued by some property owners in the area who want the district to encompass from the northern edge of Gearhart to the county road at the north end of Sunset Beach.

The main property owner in that area, Barney Lucas, has been in contact with Fetrow and Clatsop Commissioner Hiram Johnson to ask that the county take steps that could lead to formation of the sanitary district.

Lucas owns a 400-acre planned unit development in the South Plains area which he hopes to develop into a large convention center-recreation facility along the lines of Salishan Lodge.

Fetrow also said that if South Plains residents choose not to form a sanitary district that DEQ would consider allowing the planned unit

document with 18 color maps, describes various engineering geology problems such as landslides, flood areas, stream bank erosion, steep slopes and high water table areas.

Sections of the report deal with geography, engineering characteristics of the rocks and geologic hazards, including

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Liberation ng out holding h cords

LONDON (AP) — A woman member of the Black Liberation Front told three gunmen besieged in the basement of a restaurant today that they had been disowned by the immigrant organization and should free their six Italian hostages and give themselves up.

The woman, reportedly a friend of the gunmen known as Sister Yemmi, said

a thermal trough, ed by gusty winds, r this area but it's shift in the next 24 cause a reduction peratures. Wed- igh should be in the to lower 70s while will be 45-50.

will be fog and low onight and early y but no rain is

nal of Commerce
IESS NEWS OF EACH BUSINESS DAY

D, OREGON, WEDNESDAY, MAY 7, 1969 · Second Class Postage Paid Portland, Oregon 97210 PRICE FIFTEEN CENT

Multi-Million-Dollar Development On Coast

Clatsop Commissioners Approve Plans For Apartment Units, Golf Course, Pool

ASTORIA (djc) — Clatsop County commissioners have approved a proposed multi-million dollar apartment and recreational development at Del Rey Beach in the Gearhart area.

Developers of the proposed Colony Surf are Barney Lucas and associates.

First phase of the development would entail construction of a nine-hole golf course and 344 apartment units on about 35 acres.

In the second phase, a golf clubhouse, swimming pool and 233 more apartment units would be built on 2.3 acres. One of the apartment buildings would rise eight stories.

Plans for the third and final stage of development have not yet been disclosed.

County commissioners' approval of the development was based on a recommendation of the county planning commission. The approval was subject to State Sanitary Authority requirements for sewage collection and treatment facilities and placing of all utility lines underground.

Amendment Asked

Lucas was represented by Attorney Robert Anderson in requesting an amendment to the county zoning ordinance to allow a planned development in an area zoned for residential use.

Anderson said Lucas was Clatsop County's "most important land developer." Over the years, he said, Lucas has been responsible for adding more than $4 million in property value to the county tax rolls.

No one appeared in opposition to the development.

Open Road To Begin Camper Manufacture At Wood Village Plant

WOOD VILLAGE (djc) — Open Road's new camper manufacturing plant here should be in operation by May 10, according to Joseph Leff, vice president and regional manager.

Hiring of plant personnel was under way, with the utlimate work force estimated at 150. Being sought in particular were workmen experienced in all phases of camper manufacture, but some trainees also were to be hired.

Formal opening of the new facility has been scheduled tentatively for June.

Redmond To Build New High School At $3 Million Cost

REDMOND (djc)—Advertisement for bid on a $3 million high school in Redmond will be May 28.

Bids will open June 17 at 8 p.m. in the city clerk's office for the school to replace the existing Redmond High which will be converted into a junior high.

The 160,000-sq. ft. one story structure will be constructed on a 40-acre-plus site located at Ehret Road and Sisters Highway. Plans and specs may be obtained from Lutes and Amundson, architects, Box F, Springfield upon deposit of $100 a set.

Fireproof School Set

The school will have fireproof steel frame with poured in place concrete and will contain a 600-seat auditorium, a 30,000-sq. ft. gymnasium with locker rooms, and a 3,000 sq. ft. food service area.

A vocational education building will be connected to the main building by separate walks.

The structure will have con-

New Owners Plan Renovation Work For Old Building

The 57 - year - old Woodlark Building in downtown Portland has been sold for some $400,000 and the new owners have announced plans to continue modernization work on the eight-story structure with emphasis on retaining the building's original architectural distinctiveness.

The building was purchased by Dr. and Mrs. Omar J. Noles from the Scottish Rite Masonic Lodge, under a trust to the U. S. National Bank of Oregon.

The closing was arranged by Metzger-Parker Co., real estate firm with offices on the second floor of the building and responsible for its management since 1933.

Mrs. Noles, BJ, is the society editor of The Oregonian. Dr. Noles is affiliated with Oregon Optical Co. at 718 SW Alder, wholesale and manufacturing

INSIDE JOURNAL

MANY NEW INDUSTRIES promised with coming of nuclear power to Oregon. See story on ..... Page 6

Bid Openings 8
Building Permits 8
Business Licenses 2
Courts 7
Equipment Bid Calls 2
Local Stocks 8
Official Call For Bids 7

tracts Uranium Million

ia Company y Material

ieral Electric Co. to buy uranium $20 million from rp. of Oklahoma

material will be el the power re- Trojan nuclear on the lower Co- ear Goble.

of nuclear fuel distinct steps — lling, conversion exafluoride, en- abrication. Under its contract with ee will perform eps.

ent process can the U. S. Atom- mission at one of diffusion plants. material will be fuel assemblies se Corp.

e will supply the supply system for -kilowatt nuclear PGE expects to ion in September,

nts Rise t Grove

OVE (djc)—One apartment com- built here in the rs is under con- nd Avenue.

w Park, the $406,- will consist of 46 its. Developer is tment Associates. of construction is completion about

SURF PINES ASSOCIATION

January 28, 1990

Clatsop County Planning Department
P. O. Box 179
Astoria, Oregon 97103

Attn: Curt Schneider

Dear Mr. Schneider:

Dave Price attended our Surf Pines Board meeting on January 27 and explained the request being made by the developer of the Destination Resort south of us to change the Westerly building line for their project.

The Surf Pines Board supports the change of the building line to coincide with the existing line of buildings in Surf Pines to their north and Highlands to the south.

Yours truly,

SURF PINES ASSOCIATION

Gwynn Bakkensen, Secretary

Copy

RICHARD SCHROEDER
2701 N.W. Vaughn Suite 438
Portland, OR 97210
(503) 224-8163
(503) 274-1429 FAX

1-3-89

Mr. Bruce Maltman, City Manager
City of Gearhart
Gearhart, Oregon 97138

Dear Bruce,

It had been brought to my attention that the City of Gearhart as received notice of a periodic review by the LCDC. I would like to go on record saying that the following property owners north of the Del Ray Beach Road (myself, Lucas, Gray, Poindexter, Nyggard, Malarkey and Graham) would like for the City of Gearhart to give consideration to incorporating these parcels into your Urban Growth Boundry.

Putting these parcels into your UGB would almost assure the unity of our group as well as a quality subdivision.

Sincerely,

Richard

Richard T. Schroeder

cc: Curt Schneider
Jim Lucas
Mike Gray
Chuck Poindexter
Martin Nyggard
Mrs. Malarkey
Leo Graham

RICHARD SCHROEDER
2701 N.W. Vaughn Suite 438
Portland, OR 97210
(503) 224-8163
(503) 274-1429 FAX

2-3-89

Gearhart Planning Commission
City of Gearhart
Box D
Gearhart, Oregon 97138

Dear Planning Commission,

Enclosed you will find a copy of a letter I wrote to Mr. Bruce Maltman dated 1-3-89 requesting that the City of Gearhart incorporate the following parcels of land (please see enclosed topog map, property outlined in yellow and listed below) in the Gearhart UGB. Each property owner mentioned wrote to Mr. Maltman requesting that their land be put into the urban growth boundry.

I am mentioning this because I know that the City of Gearhart is up for their periodic review and I have been told this is the proper time to address this zoning issue. Should you wish to see copies of those letters I am sure Mr. Maltman could supply them.

OWNER	TAX LOT NUMBERS
R. Schroeder	700,1100,1400,1500,1600,1700,1800,1900, 1903, 2000,2001
M. Grey	1901,1701
J. Lucas	300
E. Malarkey	200
L. Graham	1400
R. Schroeder M. Nygaard C. Poindexter	100,1600
R. Delehia	101

Sincerely,

Richard

Richard T. Schroeder

Residential or commercial ruling awaited

Zoning question continues in Gearhar

by Jodie Willson

Whether the properties along Highway 101 in Gearhart should be zoned as residential or commercial continues to be debated by residents living in the area. The Gearhart Planning Commission is currently evaluating the zoning as they work to complete their periodic review.

At the March 29 meeting, the commissioners heard correspondence from residents on both sides of the issue.

Horace and Loretta McFarland sent a letter objecting to changing the east side of Highway 101 in Gearhart to a commercial zone. The McFarlands said their home is in that area and they prefer to keep the zone residential.

Ron Harrison, also a resident in the area, wrote that he objects to the county's ruling on the Schertenleib case and encouraged Gearhart to take a firm stand against it.

John Schertenleib has requested a zone change for a lot along Highway 101 that currently is a residential zone. He wants that zone changed so he can build an RV repair shop.

The Gearhart Planning Commission voted to recommend to the county planning department that his request be denied because the city of Gearhart does not want to encourage spot zoning.

However, at a Feb. 28 meeting, the Clatsop County Planning Commission decided to recommend approval of the Schertenleib case. Harrison was present at that hearing.

Harrison said he owns the land where Don's RV is situated and also the property behind, where his own home is located. Harrison said he and the residents in that area do not want Schertenleib's RV shop on that lot.

After the county's decision, Harrison said, "I felt it was total disregard to what the residents wanted."

He said it is probably inevitable that the strip along the highway will go commercial, but added that Gearhart residents have a right to give input on what businesses are allowed to go there.

The Clatsop County Board of Commissioners will make a decision on the Schertenleib case at a hearing on Wednesday, May 10, based on testimony and the recommendations from both the county and Gearhart Planning Commissions.

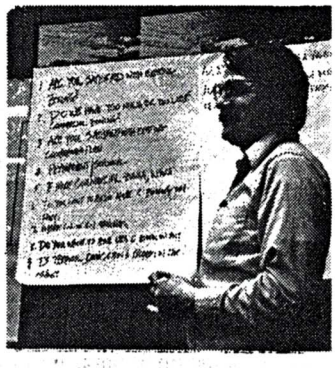
Meanwhile, the Gearhart Planning Commission has been receiving other requests for changes from residential to commercial by property owners along the highway.

Joseph and Eva Hritz wrote the commission requesting a zone change to commercial for their property because they have a sewing center in their home under the Grandfather clause. Their property is within the urban growth boundary and they want this considered as the city completes their periodic review.

Magnheld Jasper and his mother Marie Skille also sent a letter requesting that their property be changed to a commercial zone. The letters said that they own two lots on Highway 101 but because of his mother's age are no longer able to keep the properties. They requested a zone change to commercial so they can sell the properties, they said.

In other business, because of the impending periodic review, a few visitors to the commission meeting were on the agenda.

Richard Schroeder said he and Jim Lucas and Martin Nygaard are all residents with property north of Highland Road by Del Rey Beach on the ocean front. They requested that this area be considered for inclusion into the urban grow boundary.



TAKING QUESTIONS - Planner Rainmar Bartl i structs Gearhart residen about their periodic review.

Also, the commission procee ed with plans for developing questionnaire for Gearhart re dents to get their input on futu needs and goals for the city.

Gearhart City Administrat Bruce Maltman presented the co missioners with an estimate of t budget for the periodic revie Along with consultant Rainm Bartls, Maltman said they figur the survey will cost $1,750.

Bartl said it would be "mon well spent" to send the survey tc professional service at t University of Oregon. The servi will help in compiling the questic naire and then will tabulate the sults afterward.

Bartl said he hopes to get t survey out to Gearhart reside by May 1 so the commission c have the results back by June 30.

The city has until June 30 spend the $4,336 granted from t Land Conservation a Development Commission for t review, or "the money goes ba to them," Maltman said.

Maltman estimated that the c will have to pay an additional $5,1 to complete the review process.

NOTICE OF PUBLIC HEARING
CLATSOP COUNTY BOARD OF COMMISSIONERS

Notice is hereby given that the Clatsop County Board of Commissioners will hold a public hearing at 10:00 a.m. on Wednesday, October 17, 1990 at the Commission Chambers, Clatsop County Courthouse, 749 Commercial, Astoria, Oregon.

The purpose of the hearing will be to consider the following request:

(1) Applicants: Northwest General Inc., 2630 116th Ave., NE, Suite 200, Bellevue, Washington 98004 on property owned by Leo Graham, Ted Lilley, Andrew Miller, Sarah Meig, Catherine Miller, Elizabeth Malarkey, Jim Lucas, Mike Gray, and Richard Schroeder. The four requests are:

1. Legislative approval of a Revised Resource Inventory Map for Beach & Dune (Sheets 134 & 137) and Coastal Shorelands Goals;

2. Quasi-judicial approval of a Comprehensive Plan Amendment to establish a construction setback line;

3. Quasi-judicial approval of a District Boundary Change to adjust the boundaries of the Active Dune Overlay and Beaches and Dunes Overlay districts based on the Revised Resource Inventory maps noted in #1 above; and

4. Quasi-judicial approval of a District Boundary Change to adjust the boundaries of the Shorelands Overlay district based on the Revised Resource Inventory Maps noted in #1 above.

This hearing will be held 'on the record'. No new evidence may be submitted. Only those persons who have testified at the Planning Commission hearings may speak. Written statements must be filed with the Clatsop County Planning Department, Clatsop County Courthouse, P.O. Box 179, Astoria, Oregon 97103 no later than October 3, 1989 at 5:00 p.m. in order to be incorporated in the staff report. Public testimony submitted after this date will be taken as testimony at the hearing. Planning Department representative for this matter is Curt Schneider at 325-8611.

The Clatsop County Planning Commission has recommended denial of the request. The action of the Board of Commissioners may be to approve, deny, modify the request, or continue it to a date and time certain. If continued, no further public notice will be given. If the Board of Commissioners approves the item above, the Board of Commissioners intends to conduct a first reading of an ordinance following the hearing and a second reading and adoption of an ordinance at a date and time to be set at the October 17th hearing.

Publish: September 14, 1990

NORTHWEST GENERAL Inc.

2630 116th Avenue N.E., Suite 200 • Bellevue, Washington 98004 • (206) 828-3060 • Fax: (206) 828-3568

10-11-90

L. Sprout
2260 Marion Drive
Surf Pines, OR

L. Sprout

I would like to take this opportunity to introduce myself as a long time property owner in Surf Pines as well as the Del Ray Beach area. I am also project manager for N.W. General.

I am speaking at the Oct 13 Surf Pines Board meeting (10 Am) at Gwynn Bakkensen home. I would like you to attend. I have read your articles in the local new newspapers and would like you to hear our (Nw. General) story. I respect your right to voice your opinion, but I think you owe it to yourself and others to get all the facts before you write your letters.

R. Schroeder

cc. Jon Palmberg
Gwynn Bakkensen

DEL RAY BEACH DESTINATION RESORT PROJECT

The destination resort planned for the Del Ray Beach area meets or will meet the definition of a resort as identified in the Clatsop County Comprehensive Plan and Zoning ordinance. The project will be in the area identified by the Comp Plan as the area the County feels the resort should be located in. The developer will have to meet the zoning requirements the county has spelled out in its Destination Resort Overlay District (see the Clatsop County Zoning Ordinances).

The following is a very brief outline of major events that will take place. Areas identified as #I & II are currently being worked on.

The developer recognizes this is a very brief listing of items to be covered. There will be many more areas that will need to be addressed..

We would appreciate your support of:

1. The concept of a Destination Resort being located in this area.
2. The moving of the Westerly building line if it is justified by expert testimony and evidence.

Need to expand Pine Acres Golf 7.00 2/13 250 acres

County zone for destination resort

165 OC Malarkey Tied up Zoned residential 10,000 ft

DEL REY BEACH DESTINATION RESORT

OUTLINE OF STEPS TO COMPLETION

I. Define the areas that can be developed:

A. Identify the buildable dune line - The developer / property owners have hired Wilbur Ternyik (dunes and beach grass specialist) to develop a new Westerly building line. They expect his testimony and evidence to support an new line which is approximately that of drawing a line from the ocean front homes in Surf Pines to the ocean front homes in The Highlands. Evidence must support a new line, the County and State will not allow an arbitrary line.

B. Identify areas for the Oregon Silverspot Butterfly - The species is endangered and the development will have to work in conjunction with the U.S. Fish and Wildlife Department. There have been numerous meetings with representatives of this group to identify the habitat areas. The developer will not be able to develop areas that have been identified as prime habitat areas.

C. Identify the wet lands using the U.S. Corps of Engineers, and the engineering consultants.

D. Survey and map the project with items A, B, and C shown above. This is being done by David Evans and Associates. They are in the process of surveying the property that is now under contract.

II. Perform economic studies defining what type of mixture of units should be in the resort - hotel, motel, condos, homes and what price range the units should be in. The developer has hired a consultant to do this.

III. Hire a golf course architect and resort architect to draw preliminary site plans, and golf course layouts. Over the past years the property owners have had a number of golf course designers in to look at the property (1975 Robert Trent Jones, 1977 Jack Nicklaus, 1979 Arnold Palmer, 1982 Tom Fazio, and 1990 Bob Cup). All have expressed interest in doing a golf course design and feel the area would lend itself to a championship type course. Conceptually, the developer wants two full sized 18 hole golf courses in the project.

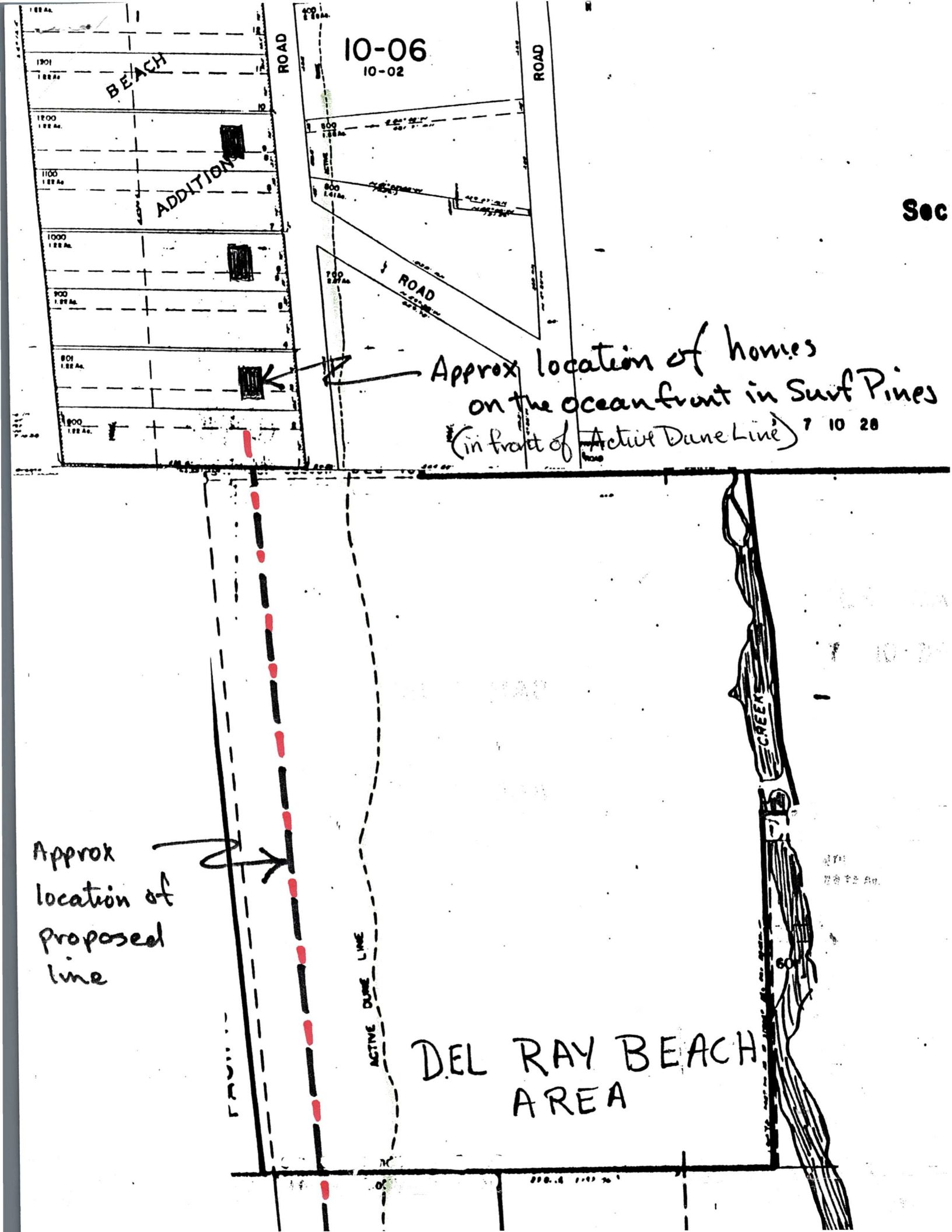
IV. Design and build the infrastructure.

V. Build the golf courses (this will take about 12 - 18 months).

VI. Build Phase I of the project.

VII. Parties involved:

A. Developer - Northwest General Corp.
B. Project Director - Richard T. Schroeder
C. Dunes Specialists - Wilbur Ternyik
D. Engineering and Surveying - David Evans and Associates
E. Public Relations - Berry and Associates
F. Real Estate - Kent Price Realty, Inc.


BEACH
ADDITION
ROAD
10-06
10-02
ROAD
ROAD
Approx location of homes on the oceanfront in Surf Pines (in front of Active Dune Line)
7 10 28
Approx location of proposed line
ACTIVE DUNE LINE
C. CREEK
DEL RAY BEACH AREA

WEISKOPF/MORRISH

September 24, 1990

Mr. Rich Schroeder
Northwest General Inc.
2701 N.W. Vaughn, Suite 438
Portland, Oregon 97210

Dear Rich,

Louise and I want to thank you for your kind hospitality. We enjoyed our visit very much and can't wait to return.

There is no doubt that Tom Weiskopf's feeling about your property is correct. It is truly magnificent and presents one of the last chances for a great links course to be built in the United States. We only hope that sensible solutions can be reached concerning the butterfly habitat and use of the sand dunes. If the boundaries for the butterfly can't be maneuvered or reconstructed and if the dunes can't be used, the golf course will never have a chance to reach its true potential, and will probably be just another Oregon golf course.

As you asked, we are now preparing our golf course design contract. It will be sent to you by Joe Bonney, our attorney, sometime this week. Your questions and comments should be addressed to him. In the meantime I would like to summarize some of the basic contents of the contract. All of the following information is based upon a contract being signed in 1990. Our

robert e. cupp
john fought william r. fuller

January 30, 1990

Mr. Richard T. Schroeder
Schroeder & Associates
2701 NW Vaughn, Suite 438
Montgomery Park
Portland, OR 97210

Dear Richard:

It was a great pleasure to have spent last Monday morning driving to Gearhardt Beach and touring the project site.

Pursuant to our discussions I have developed this letter which addresses the following issues: our understanding of what you want to produce, a clear statement of the scope of services, a general resume of Cupp Design, and, finally, our proposal.

THE PROJECT

Even though we talked about (and looked at) the general property boundaries and differing scenarios of probable land purchases, it seems that you will have enough property (and open space requirement) to produce two golf courses. This is very exciting since the transitional grassy dunes and upland pined dunes are perfect for world-class golf. Nature has provided a perfect array of raw materials, now it is up to the Architect to take full advantage of their organization.

It is our understanding the project will be a resort and housing development reminiscent of Pebble Beach. We also understand that a hotel will be a part of the project and supporting roadways for the housing will need to be located. We are experienced in working within a multi-dimensional development scheme collaborating with the project land planner and engineer.

4380 S.W. MACADAM, SUITE 100, PORTLAND, OREGON 97201, 503-226-4337, FAX 503-274-6265
TWO PIEDMONT CENTER, SUITE 504, ATLANTA, GEORGIA 30305, 404-237-0040, FAX 404-237-1231

Fazio Golf Course Designers, Inc.

815 South U.S. One
Jupiter, Florida 33458
305 - 746-4539
FAX -

March 25, 1982

Mr. Richard Schroeder
3170 S.W. 82nd
Portland, Oregon 97225

Dear Rich,

I am sorry for the delay in sending a reply relative to my visit to the Oregon site with you. I have been on a traveling surge the last month and did not want to just send you a brief note without expressing my sincere interfeelings of your proposed golf course site.

As you are well aware, we work in many premiere areas throughout the country and have been privileged to be involved with many outstanding sites. But your site is in a class by itself. I have put together a few drafts of my thoughts concerning the potential and existing character of your site and have not been satisfied with the explanation. I finally realized I do not possess a writer's talent to express in words a just description and future potential of this site.

I just recently read a background article on Donald Ross and his thoughts and philosophies on golf design. The article discussess his influences and experiences on the eastern shore of northern Scotland and his comments on first seeing the lands that became Pinehurst #2 and Seminole. Knowing both these sites and the great end results that he created, it is my opinion Mr. Ross would have traded both sites combined for your site. This may sound like a strong statement but I honestly believe it.

Rich, you are involved with a site that has so much potential for a "World Class" course that Herb Wind and Charles Price would grope for words.

As we discussed with Rick Charlton my program and work structures for developing the actual layouts of the course are very flexible. I am sure we can tailor an arrangement that could address the present status of the business involvements that would be acceptable to all parties. We certainly can not allow a minor element such as design arrangement to delay or interfere with potentially one of the most outstanding golf sites ever developed. I will prepare an outline of my thoughts relative to our precedures for your review and please keep me posted on your progress.

Sincerely,

Tom

Tom Fazio

palmer *COURSE DESIGN COMPANY*
P. O. BOX 50309 • JACKSONVILLE BEACH, FLORIDA 32250
904/246-6660

Arnold Palmer

November 13, 1979

Mr. Richard Schroeder
2379 Grant
Eugene, Oregon 97405

Dear Richard:

Thank you very much for a super visit with you and Peter. Your proposed site is absolutely beautiful. In fact, it is as close to being the ideal site for an ocean-side golf course as any I have ever seen.

I informed Arnold of our visit and told him about the site last Thursday night in Los Angeles. He is trying to work his schedule so that he can see the site just as soon as possible. It all depends on when he is going to be on the west coast next.

Enclosed is the specification sheet for preparing the required topographical map of your site. If you have any questions or the engineer you chose to do the work has any questions please give me a call.

Again, Richard, thank you very much for a super day and more especially for the opportunity to work with you on your exciting project. Anything I can say concerning the golf course we could design and build for you would be an understatement. It is truly an ideal site and one on which we could put as fine and exciting a golf course as you could imagine. The potential is absolutely unlimited.

Thanks, Richard, and I will be in touch.

Sincerely,

Ed Seay

Ed Seay
Director of Design

ES/g

Enclosure

cc: Messrs. Arnold Palmer
Peter Walsh

• BAY HILL CLUB & LODGE
9000 BAY HILL BLVD.
ORLANDO, FLORIDA 32811
305/876-3944

• ONE ERIEVIEW PLAZA
SUITE 1300
CLEVELAND, OHIO 44114
216/522-1200 CABLE IMIMARK

GOLDEN BEAR, INC.

1208 U. S. HWY. #1, NORTH PALM BEACH, FLORIDA 33408 • (305) 626-3900 • CABLE: GOLDBEAR

JACK NICKLAUS
CHAIRMAN OF THE BOARD

January 7, 1977

Mr. Rick Schroeder
Eugene Country Club
255 Country Club Road
Eugene, Oregon 97401

Dear Rick:

It was good to hear from you again. I'm glad things are working out so well for you.

Thank you very much for sending the sturgeon. My family and I will certainly enjoy it.

Please accept my very best wishes for a great coming year.

Sincerely,

JACK NICKLAUS

JWN/ls

ROBERT TRENT JONES, INC.
Golf Course Design and Recreational Planning

October 9, 1975

Mr. Richard Schroeder
Eugene Country Club
Eugene, Oregon 97401

Dear Rich:

Thank you for your guidance and hospitality on September 30. It was a gratifying and informative trip.

Let me reaffirm what I told you personally--the Clatsop Plains site we inspected is unparalleled in my experience as a location for a classic links course. If the design challenge can be met it would be world famous from the day play started. My staff and I would like nothing better than to be part of the team facing that challenge.

In view of the obvious limits placed on outdoor use of the land by climate considerations I think it is important to avoid working toward just another resort or land sales development such as the many struggling to stay alive today. It will have to be something very special--a product of the finest professionals working their hardest to make it the best.

As you get things in order I hope you'll call on us for whatever advisory assistance we can give in estimating general costs, spelling out objectives and stimulating tactical and financial support. Simply stated, we'd like to be a part of getting the project moving in addition to help make it happen.

It was good to see you at Silverado. We will study the plans and sketch a preliminary idea to start the ball rolling.

Thanks again.

Best regards,

ROBERT TRENT JONES, INC.

Robert Trent Jones, Jr.

RTJ,Jr.:J

C: Mr. Gary Baird
Mr. Mark Johnson
Mr. Jim Lucas
Mr. Roscoe Hurst
Mr. Peter Walsh

705 Forest Avenue Palo Alto, California 94301 415 326-3833 Telex 345-514

CLATSOP COUNTY

Courthouse . . . . Astoria, Oregon 97103

July 13, 1987

Richard Schroeder
3170 SW 82nd
Portland, Oregon 97225

Re: Destination Resort for property near Del Rey Beach Access

Dear Mr. Schroeder:

Pursuant to our discussion this morning this letter attempts to put in writing what we discussed.

1. In order to develop a Destination Resort one needs 40 acres. Can part of the 40 acre requirement come from property south of Del Rey Beach Road?

   Answer: Currently Clatsop County's Land and Water Development and Use Ordinance permits Destination Resorts only on 160 acres. However, Statewide Goals have been amended to permit Destination Resorts on 40 acres provided it is "within two miles of the ocean shoreline". Clatsop County's Land and Water Development and Use Ordinance would need to be amended in order for this to take place. Clatsop County Department of Planning and Development supports this amendment. (Note: Lou Larson, Attorney has this information also).

   All of the 40 acre requirement would need to come from an area not already developed (would not include clubhouse, parking etc. for The Highlands at Gearhart golf course).

2. Could the hotel utilize conventional septic system or would it need a sewer system?

   Answer: The development must have a self contained community sewer, water and recreational facilities and are limlited to meet the needs of the resort. The Oregon Environmental Quality Commission's Clatsop Plains Groundwater rule would require a sewage system for 100, 150 or 200 or more units (the groundwater resource is very susceptible to contamination).

3. The area is zoned Residential Agriculture (RA-5) five acre minimum. Can the area be rezoned to RA-1, one acre minimum, if the Destination Resort can not be built?

Answer: The RA-5 zone serves two functions: (1) it is a holding zone for a Destination Resort(s) and (2) it followed criteria for designating large land holdings in a RA-5 zone (if they were deemed not to be forest or agricultural). RA-1 and RA-2 zones were placed in areas where generally that was the prevailing rural lot size.

Probably of more significance is the impact of the endangered Oregon Silverspot Butterfly in the area. The Gearhart Urban Growth Boundary is severely impacted by this species. The western boundary of the species is the eastern boundary of The Highlands. To my knowledge, no development can occur on the remainder of the Michael Malarkey property until this issue is resolved. An amendment to the Gearhart UGB may be a consideration to look into. Such a request would require the concurrence of Gearhart. The likely zone in the Gearhart UGB would be R-1 which has a minimum lot size of 10,000 square feet. You may want to 'explore' the possibilities in a P.U.D. also.

4. The height limit in the RA-5 zone is 35 feet. How could you build a taller structure?

Answer: (a) obtain a variance to the height restriction
(b) amend the Destination Resort Overlay zone to permit taller structures.

(Note: the Destination Resort Overlay zone already needs to be amended in order to take advantage of the new 40 acre standard. The height requirement could be included in the amendment package).

I hope this adequately answers your questions. If you have questions or comments please feel free to contact me.

Cordially,

Curtis Schneider

Curtis J. Schneider, Planning Director
Department of Planning and Development

CJS:ta

cc: Clatsop County Board of Commissioners
Bruce Maltman, City of Gearhart

NOTICE OF PUBLIC HEARING
CLATSOP COUNTY BOARD OF COMMISSIONERS

Notice is hereby given that the Clatsop County Board of Commissioners will hold a public hearing at 10:00 a.m. on Wednesday, October 17, 1990 at the Commission Chambers, Clatsop County Courthouse, 749 Commercial, Astoria, Oregon.

The purpose of the hearing will be to consider the following request:

(1) Applicants: Northwest General Inc., 2630 116th Ave., NE, Suite 200, Bellevue, Washington 98004 on property owned by Leo Graham, Ted Lilley, Andrew Miller, Sarah Meig, Catherine Miller, Elizabeth Malarkey, Jim Lucas, Mike Gray, and Richard Schroeder. The four requests are:

1. Legislative approval of a Revised Resource Inventory Map for Beach & Dune (Sheets 134 & 137) and Coastal Shorelands Goals;

2. Quasi-judicial approval of a Comprehensive Plan Amendment to establish a construction setback line;

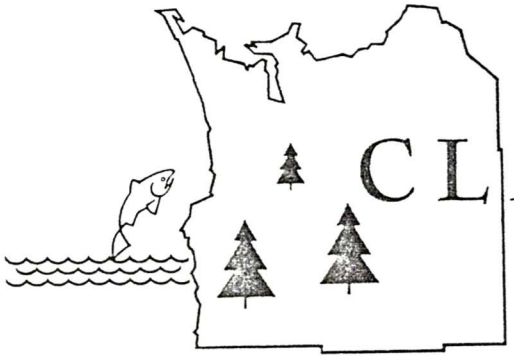
3. Quasi-judicial approval of a District Boundary Change to adjust the boundaries of the Active Dune Overlay and Beaches and Dunes Overlay districts based on the Revised Resource Inventory maps noted in #1 above; and

4. Quasi-judicial approval of a District Boundary Change to adjust the boundaries of the Shorelands Overlay district based on the Revised Resource Inventory Maps noted in #1 above.

This hearing will be held 'on the record'. No new evidence may be submitted. Only those persons who have testified at the Planning Commission hearings may speak. Written statements must be filed with the Clatsop County Planning Department, Clatsop County Courthouse, P.O. Box 179, Astoria, Oregon 97103 no later than October 3, 1989 at 5:00 p.m. in order to be incorporated in the staff report. Public testimony submitted after this date will be taken as testimony at the hearing. Planning Department representative for this matter is Curt Schneider at 325-8611.

The Clatsop County Planning Commission has recommended denial of the request. The action of the Board of Commissioners may be to approve, deny, modify the request, or continue it to a date and time certain. If continued, no further public notice will be given. If the Board of Commissioners approves the item above, the Board of Commissioners intends to conduct a first reading of an ordinance following the hearing and a second reading and adoption of an ordinance at a date and time to be set at the October 17th hearing.

Publish: September 14, 1990



CLATSOP COUNTY

Courthouse . . . . Astoria, Oregon 97103

March 30, 1990

To: Parties Interested in the Schroeder & Associates Active Dune Line Amendment Request

From: Curt Schneider, Planning Director
Department of Planning and Development CURT SCHNEIDER

Re: Withdrawal and Resubmission of Application

On March 15, 1990, the Clatsop County Planning Commission received a letter from Steven Pfeiffer, attorney for the applicants, withdrawing the application for an Active Dune Line Amendment request. This letter was reviewed by the County Planning Commission which voted to accept the withdrawal, thus cancelling the hearing scheduled for May 17, 1990.

The applicant informed the Planning Commission that they will be revising the application and submitting more accurate information. The new application must be received by the Clatsop County Department of Planning and Development by May 10, 1990. Providing the applicants do submit a completed application by that date, the Planning Commission will then hold hearings on June 21, 1990 and June 28, 1990 at 7:00 p.m. in the Seaside City Hall. This request will be the only agenda item.

You may want to contact our office around May 11th to see if the application has been submitted, (503) 325-8611. Thank you for your interest.

NEIL GOLDSCHMIDT
GOVERNOR

Department of Land Conservation and Development

1175 COURT STREET NE, SALEM, OREGON 97310-0590 PHONE (503) 373-0050

FEB 1990
RECEIVED
Dept. of Planning & Development

February 8, 1990

Curt Schneider
Planning Director
Department of Planning and Development
Clatsop County Courthouse
Astoria, OR 97103

Dear Curt:

We have reviewed Schroeder and Associates request for a change in the Active Dune Overlay (ADO) zone boundary for a portion of the Clatsop Plains near the Del Rey Beach Wayside. We have also reviewed the supporting report prepared by Wilbur Ternyik and Onno Husing of Wave Beachgrass Nursery.

Our conclusion is that additional examination of information on long-term erosion rates needs to be done before the active dune line is moved. Although the Clatsop Plains have benefitted from substantial accretion in the past, there is serious scientific concern that this trend may reverse itself. We recommend that the Ternyik/Husing report be reviewed by several other interested experts to determine what the level of professional consensus is about future erosion potential.

We recommend that the county obtain comments on the Ternyik/Husing report from the following individuals: Leonard Palmer, Paul Komar, Roger Redfern, James Good, Charles Rosenfeld. Each of these persons have some relevant expertise in assessing potential long-term erosion hazards for the Clatsop Plains. In addition, each should be provided with a copy of relevant portions of the original Palmer report.

A careful inquiry is warranted because of the potential scope of the county's decision. Although this particular proposal is limited to one site, the county's decision has implications for the entire Clatsop Plains. If the line is redrawn here it will likely set a precedent for redrawing the line throughout the area. Consequently, the County's decision should have the benefit of the broadest possible inquiry. The county should also anticipate how it will respond to requests for changing the ADO line on other properties.

Also, we understand that this proposal is the first step toward a plan amendment which is intended to allow development of a golf course and a destination resort on this site. While we intend to

comment on the proposal when it is made we do have some preliminary comments which are relevant now.

Whether or not the ADO line is changed, several requirements of Goal 18 will continue to apply apply to this site. Since the property was not "developed" as of January 1, 1977, the property is not eligible for the placement of beachfront protective structures, such as revetments or rip-rap. The intent of the Goal is that development in "undeveloped" areas be setback far enough to avoid potential erosion problems, making structural protection unnecessary.

We understand that one purpose of this amendment is apparently to enable the applicant to submit a proposal for a destination resort. Such a development proposal will involve a goal exception. We would appreciate an opportunity to work with you and the applicant on that application at your earliest convenience.

Please forward this letter to the Planning Commission for their consideration at the February 13 hearing.

Sincerely,

Susan Brody
Director

<bcort>

cc: Richard I. Schroeder, Schroeder and Associates
Wilbur Ternyik, Wave Beachgrass Nursery

CITY OF GEARHART

"Gearhart By The Sea"
P.O. Box 2510
Gearhart, Oregon 97138
Phone 738-5501

FEB 1990
RECEIVED
Dept. of Planning
& Development

February 9, 1990

Clatsop County Planning
Commission
Clatsop County Courthouse
Astoria, Oregon 97103

RE: APPLICATION TO RELOCATE ACTIVE DUNE LINE AT DELRAY BEACH/
DESTINATION RESORT

Dear Commission Members:

At the continuance of the regular meeting of the Gearhart City Council held on Friday, February 9, 1990, the Gearhart City Council unanimously agreed to support the Conclusions and Findings of the Leonard Palmer Report of January 1990 regarding the moving of the Active Dune Line at DelRay Beach.

The Council also went on record in support of the Clatsop County Active Dune Overlay District and guidelines therein as presently in place.

Therefore, the Gearhart City Council believes that the applicants request, as it is proposed, should be denied.

Sincerely,

CITY OF GEARHART

Candy Russo

Candy Russo
Mayor

CR:jb

Oregon Shores Conservation Coalition / P.O. Box 578 • Rockaway, Oregon 97136

RECEIVED
Dept. of Plannin
& Developmen

President:
Howard Watkins
270 Johnson
Coos Bay, 97420, 267-4615
Vice-President, Dist. 1
Clatsop, Tillamook, Columbia:
Neal Maine
2540 Pine St., Seaside 97138
Office 738-5591 Res. 738-6588
Vice-President, Dist. 2
Lincoln, Benton, Polk:
Jeff Gudekirk
P.O. Box 1167, Newport 97365
Office 265-8823 Res 265-7643
Vice-President, Dist. 3
Lane, Douglas:
Muriel Hilliard
P.O. Box 903, Florence 97439
997-3660
Vice-President, Dist. 4
Coos, Curry:
David Werschkul
Star Rt. Box 87
Agness 97406
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Evelyn McConnaughey
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Eugene 97403, 345-0227
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267-4615
Registrar
Dorothy (Mrs. George) Diel
P.O. Box 578, Rockaway 97136
355-2666
Treasurer
Phyllis W. Parker
1110 S.E. 16th Ave., Portland 97214
Office 248-3312 Res. 232-0344
Director of Legislation
Norma Jean Germond
224 Iron Mountain Blvd.
Lake Oswego 97034, 636-4251
Director of Communications
Kenneth W. Fitzgerald
2404 N.E. 37th Ave., Portland 97212
Office 236-1118 Res. 281-9670

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Cannon Beach
Cortland Smith
Corvallis
Jack Smith
Portland
Vicky Thompson
Newberg

February 13, 1990

Clatsop County Planning Commission
Courthouse

Re: Proposed Change in Gal Rey Beach Active Dune Line

The Oregon Shores Conservation Coalition has some concerns about the proposed permit application.

1) The need for the change is not explained. The "perhaps" destination resort is not adequate.

2) There are no alternatives discussed.

3) There is no indication of the size of the property or the size of the proposed change.

4) The map is not adequate. It doesn't show the high and low tide lines; Plate 14A, p. 12, showing characteristic and historical shore changes is dated 1971 with no indication of more recent changes; It doesn't show relationship to whole property or to adjacent property; and doesn't show the current building line.

5) P. 10 - "What was once arguably active dune has been transformed into a conditionally stable dune system that begins to border on a fully stablized dune environment." The underlined phrase appears to negate the "conditionally stable dune" concept.

6) We agree with the statement in the Daily Astorian which quoted Leonard Palmer as concluding that the applicant had not provided enough evidence to warrant moving the dune line.

Oregon Shores recommends denial of the permit.

Sincerely,

Howard E. Watkins

Howard E. Watkins, President
270 Johnson
Coos Bay, OR 97420

NEIL GOLDSCHMIDT
GOVERNOR

Department of Transportation
PARKS AND RECREATION DIVISION
REGION II OFFICE, 3600 E THIRD STREET, TILLAMOOK, OREGON 97141

RECEIVED
Dept. of Planning
& Development

February 9, 1990

Curt Schneider, Director
Clatsop County Planning Department
P.O. Box 179
Astoria, OR 97103

Dear Mr. Schneider:

Thank you for the opportunity to review the proposal to move the active dune line at Del Rey Beach. As you know, we have jurisdiction over the Ocean Shore Recreation Area. The Department is concerned with preserving the recreational and scenic values of the Ocean Shore Recreation Area.

This area was not developed by 1977, and therefore would not be allowed to have a seawall or a revetment for protection if developed in the future. The protection offered by the placement of the existing active dune line is appropriate.

The request to move the active dune line and the building line in this location should be thoroughly analysed. Short term trends of accretion and migrating vegetation are not evidence of long term stability of a dunal area. The vegetation now stabilized is stable only because it is not disturbed.

We recommend a continuance for this request in order to allow a complete evaluation of this proposal. The proposal does not indicate why the existing active dune and building line need to be changed. The application appears incomplete and contradictory. The evaluation by the applicant's consultant justifies the proposed changes because of the suitability of building on the property (page 8); however, the application form indicates that no development is intended (4.a.).

In the applicant's response to Question 6, statements refering to the increased value of the land and increased job opportunities does not address the Goal 17 and 18 requirements. The applicant's statement "and the property owners have agreed that no commerical (sic), residential, or industrial structures will be placed in the area west of the proposed building line to the proposed new actual (sic) dune line" has no relevance to the question asked.

The Department is concerned with coastal setback issues, management of coastal dunes, public beach access, and Goal 5 issues. At present, State Parks is committed to maintaining the intent of these state concerns.

We appreciate being involved at the ground level on any issue relative to our jurisdiction. Staff is available to work with local jurisdictions on any land use issues. Alan Cook, our Planning Manager (378-6378) in Salem, can answer any planning concerns.

Sincerely,

Sallie Jacobsen

Sallie Jacobsen
Region Coordinator

cc: Cook
Walker
Bond
McEwen

CLGOAL18.INT

SALISHAN LODGE

Highway 101/Gleneden Beach, Oregon 97388/Telephone 503/764-2371 | *The resort on the Oregon Coast*

February 27, 1990

Mr. Richard T. Schroeder
Schroeder & Associates
2701 NW Vaughn, Suite 438
Montgomery Park
Portland, Oregon 97210

Dear Richard:

This letter is intended to express our interest and enthusiasm for your proposed seashore development at Gearhart. We are interested in further discussions as to how we might have the opportunity to work with you on this project.

I believe your project, tied to Salishan Lodge and our managed property, The Salish Lodge at Snoqualmie Falls, Washington, would be an attractive combination of high quality resort destinations.

Sincerely,

Hank Hickox, g

Hank Hickox
President and General Manager

Dictated by Mr. Hickox and signed in his absence.

/g

LAW OFFICES OF
BLACK, HELTERLINE, BECK & RAPPLEYEA
12TH FLOOR
THE BANK OF CALIFORNIA TOWER
PORTLAND, OREGON 97205

CABLE ADDRESS BLACAP
TELEPHONE
(503) 224-5560

HARVEY N. BLACK
JOHN P. APICELLA (1966)
RUSSELL M. HELTERLINE
BORDEN F. BECK, JR.
GUY J. RAPPLEYEA
CHARLES J. STRADER
GEORGE C. SPENCER
RICHARD N. ROSKIE
STEVEN R. SCHELL
JAMES E. PETERSEN
ALBERT J. BANNON
RONALD T. ADAMS
DAVID P. ROY
STEVEN E. WYNNE
LAILA E. AARNAS

October 22, 1979

letter to rezone

Mr. Bruce Maltman,
City Administrator
City of Gearhart, City Hall
P. O. Box D
Gearhart, Oregon 97138

Reference: Comprehensive Plan -- Urban Growth Boundaries -- Schroeder/Nygaard/ Poindexter Property

Dear Mr. Maltman:

As we discussed on the telephone Friday, I represent Richie Schroeder, Charles Poindexter and Martin Nygaard. They own a piece of property immediately north of the urban growth boundary and west of property presently being developed by Marshall Hoffman. These gentlemen would like that property and the property to the west of it included in the urban growth boundary. Enclosed is a copy of the letter Martin Nygaard delivered to the Clatsop County Commissioners at their meeting at the Gearhart Grade School on October 18. Please include this letter as part of the testimony on Gearhart urban growth boundary.

It is my understanding that the City of Gearhart has scheduled a joint meeting between its City Council and Planning Commission on November 17. We have no information on the specifics of this meeting. Will you please provide us with a notice of meeting, a copy of the Comprehensive Plan that will be under consideration and a map of the proposed urban growth boundary. I would appreciate being kept informed as to any changes in the proposed Comprehensive Plan, the urban growth boundary and meetings being planned by either the Council or the Planning Commission.

Thank you for your consideration.

Very truly yours,

SRS:il
cc: Mr. Charles Poindexter
Mr. Richard T. Schroeder
Mr. Martin Nygaard

October 18, 1979

Clatsop County Board of Commissioners
Caltsop County Courthouse
P. O. Box 179
Astoria, Oregon 97103

Reference: Clatsop Plains Comprehensive Plan - Gearhart Urban Growth Boundary

Gentlemen:

I am one of the present owners of a thirty-one acre tract located in the North Clatsop Plains area. The land is situated on Del Ray Road to the west of Neacoxie Creek.

At present, the land lies immediately west of the proposed urban growth boundary for the City of Gearhart. In looking at the projected needs of Gearhart, it is our belief that expanding the growth boundary in this area would better provide for realistic development in the area to the year 2000. In failing to provide an adequate growth estimate and area for development, the draft comprehensive plan does not measure up to many of the goals outlined by the Land Conservations and Development Commission.

The population of Gearhart, (both in and outside the city limits) is projected to increase from a present 2,721 to 3,955 by the year 2000 (see Chart #1 attached hereto). There is no doubt where a majority of this growth is to take place. A limited amount of land is available for residential growth within the city limits. The Necanicum Estuary is a physical barrier and the City of Seaside represents a jurisdictional barrier to development to the south. To the east of Highway 101 development potential is limited by natural constraints, i.e., flood plain, or high water table. To the west is the Pacific Ocean. The area to the north of the city limits is where residential expansion is occurring and represents the best possibility for orderly future development.

The trend toward development in the area north of the City is thus inevitable. Our property is situated close to the coast which is traditionally the most desirable location

for development. In addition, a primary dune lies in close proximity to the west. While we recognize that no development will take place on the foredune, it is certainly foreseeable that development will occur as close as possible to this area.

By ignoring the desirability of this area, the comprehensive plan is in conflict with LCDC Goal 14 on Urbanization which provides for an orderly transition from rural to urban land use through the maximum efficiency of land uses on the fringe of the urban area. Because our property is located on a secondary dune, it is likely that the area could be important in allocating densities. The comprehensive plan has failed to follow Goal 10 on Housing which provides that adequate numbers of housing units be made available that allow for flexibility of location, type and density.

The close proximity of our property to the area served by the Gearhart water system makes for an efficient extension of public facilities and services to the area. The Hoffman property to the immediate east of ours is presently provided with water from the Gearhart system. In order that the comprehensive plan follow Goal 11 on Public Facilities and Services, an orderly arrangement of public facilities is to serve as a framework for urban development. For orderly development to take place, it would be logical for the City to extend the water system from the Hoffman property due west to our property.

Adequate population projections are essential for the proper establishment of urban growth boundaries. Goal 14 provides that growth boundaries must be based on long range urban population growth requirements, housing needs, and employment needs. The projections in the draft comprehensive plan of 9/20/79 do not provide an accurate long range assessment of future growth needs and thus do not meet the requirements of Goal 14.

Based on population projections contained in the draft, there will need to be additional housing by the year

2000 for 482 permanent residents and 717 seasonal residents (see our Chart #1). We had a certain amount of difficulty dealing with the population figures on page 30 of the draft material since the city population figures do not add up correctly. We used the figures as presented however. Based on 2.4 persons per dwelling unit (DU) and a 10% factor for a trend toward smaller families, it is projected that the Gearhart community will need a minimum of 550 new DUs. (see our Chart #1).

Certain factors make this 550 new DU figure unrealistically low. Initially, the Clatsop County population projection for the year 2000 is too conservative. According to John Morgan, of Morgan, Ryan & Associates, the population figure in the County's population study was 4 to 6% below the figure arrived at when each of the separate communities within the County added their present population figures together.

Additionally, as is stated in the draft materials of the Gearhart comprehensive plan, the figures used for projected populations represent the absolute minimum projected populations. A major new employer locating in the area, or an increase in seasonal housing demand could render these projections far too low.

The problem with these projections can already be seen. If the 550 DU needed figure is divided into the 21 years remaining until the year 2000, a figure of about 26 DU per year is arrived at. There is a clear indication that these figures are too conservative when compared with the issuance of building permits for 60 new DUs in the area for the first nine months of 1979 alone. Goal 14 requires that urban growth boundaries be based on long range growth requirements but the draft plan has not lived up to this requirement by making accurate growth projections. While we realize that the guidelines to Goal 14 are not binding, they suggest that sufficient amounts of urbanizable land be designated to accomodate the population needs of the area by the year 2000. The present demand for DUs is so far above the projected needs that the urbanization goal has not been followed.

The continued shortage of gasoline in the future is a reality that will surely increase the seasonal demands in the area and make the projections even more inaccurate. When the draft material projection was prepared, the planners assumed consistent trends over the next 20 years. However, with gas shortages, Gearhart's close proximity to the Portland metropolitan area would most likely drastically increase the demand for seasonal housing. Normally, a round trip can be made to Gearhart from the Portland area or the northern Willamette Valley on one tank of gas. As the draft plan (p.49) clearly points out, the seasonal increase was observed during the 1973 gas shortage when tourism and traffic flow increased dramatically on the northern Oregon coast as travelers were forced to stay closer to home. The draft material makes no allowance for lower gas supply, and expressly states that the figures do not take into account any increase in demand for seasonal housing. Again, the plan is not following Goal 14 since it does not accomodate the area's long range urban population growth requirements.

The projections for the amount of land needed for the projected DUs violate the requirements of Goal 10 on Housing. The goal provides that buildable lands be inventoried for adequate numbers of housing units but the plan does not meet this requirement. When projections were made as to how many of the projected DUs would be included within the city limits, the maximum figure of 337 possible DUs was arrived at by taking all possible available lots, including those commercially zoned, and dividing them into 10,000 square foot lots. It is neither feasible nor reasonable to expect that every available lot will be divided into 10,000 square foot sections since many owners will keep the additional areas for open space or may develop commercially. As the number of projected DUs moves closer to the lower range projection of 236 DUs, additional pressure will be placed for more housing within the North Urban Growth area. For example, should the number of DUs within the city limits come to 286, or the median between the high and low range projected, this would force 264 DU to be located outside the city. Thirteen DUs could be located south of the city which would leave 251 DUs for the North Urban Growth area. Since the

average density in this area is 2 DU/acre, this would necessitate 126 buildable acres. However, these are only 116 buildable acres in the present North Urban Growth area (see Chart #1).

In order to accomodate the long range urban requirements of Gearhart, planning should be made for population growth and housing needs that anticipates more than the minimum possible needs of the area. While a city should not develop urban services beyond its reasonable growth requirements, at the same time a city needs to accomodate the inevitable trends of its population growth to avoid falling short of needed services and facilities. The draft comprehensive plan is deficient in following LCDC goals to meet the growth needs of Gearhart.

As the city expands northward, our property lies in an area conducive to orderly development with a minimum expansion of city services. It is for this reason that we strongly urge the Commissioners to extend the proposed urban growth boundaries west to the Pacific Ocean from Neacoxie Creek. Not only will this provide needed urbanizable land to meet realistic population and housing demands, but will do so with a minimum extension of city services and minimal environmental effects.

Thank you for your consideration.

Sincerely,

Martin Nygaard

MN:NAR:ew

cc: Curt Schneider
Jack Pace
David Price
John Morgan

C H A R T 1

	Population 1979	Population 2000	Dwelling Units - (550 needed)[1] 9/20/79 Draft Boundary		with our 31 Acres
Gearhart City Limits					
Permanent	1,018	1,338	286.[2]		286
Seasonal	975	*			
Total	1,958				
Urban Growth Area (UGA) (Outside City Limits)					
Permanent	305	467	13	South UGA	13
Seasonal	458	*	232	North UGA	294
Total	763				
Total Community					
Permanent	1,323	1,805			
Seasonal	1,433	2,150	___		___
Total	2,756	3,955	531		593

* Combined total of 717 additional season population.
1 Increased population of 1199, plus 10% factor for smaller families, divided by 2.4 persons/DU.
2 Median of range 236-337 DU used.

PUBLIC HEARING
CLATSOP COUNTY PLANNING COMMISSION

Notice is hereby given that the Clatsop County Planning Commission will hold public hearings on Tuesday, February 13, 1990 in the Seaside City Hall, corner of Broadway and Highway 101, Seaside, Oregon to consider at:

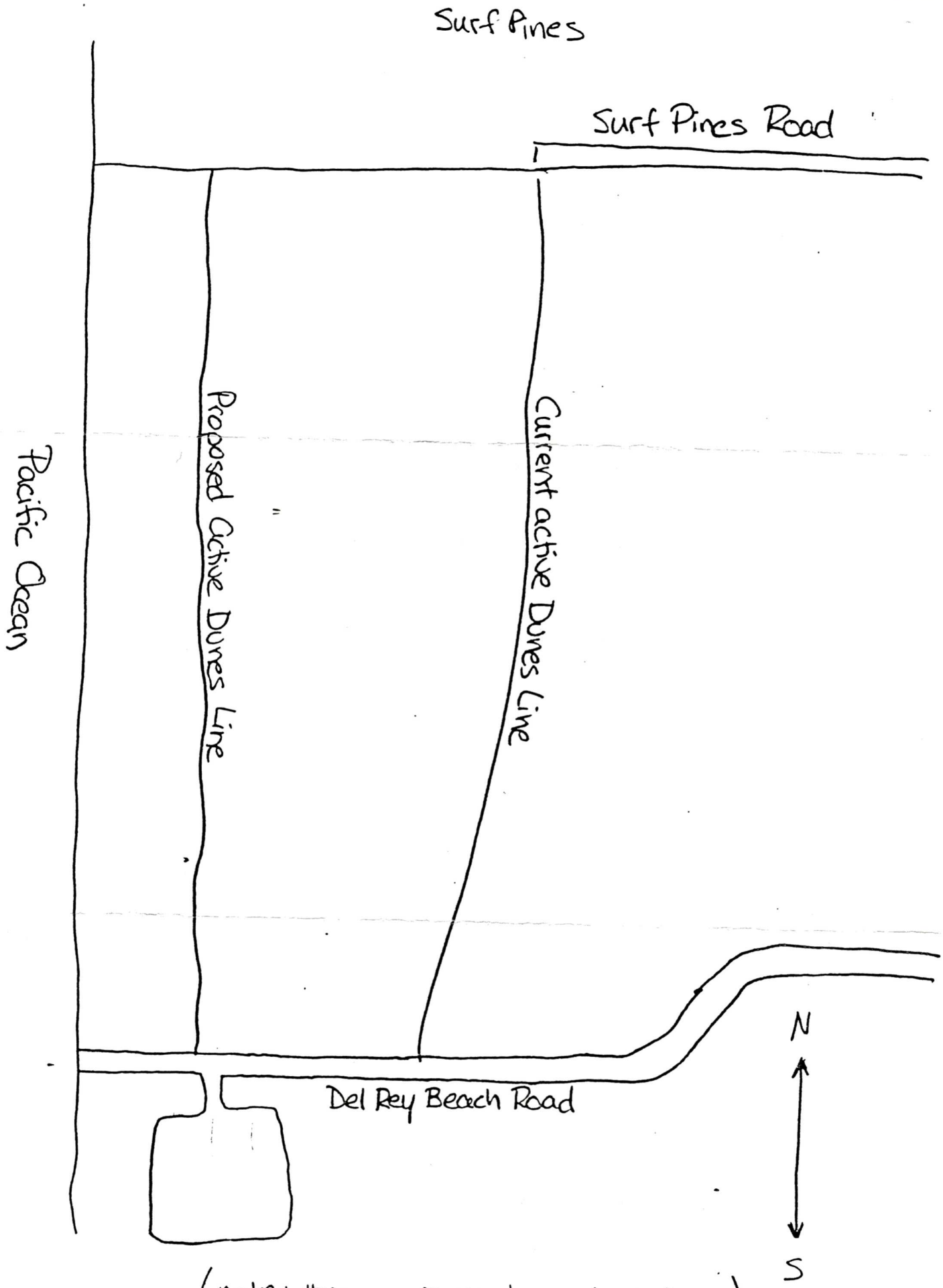
3:00 P.M. (1) An Amendment request to the Seaside Urban Growth Boundary (UGB) Zoning Ordinance and Comprehensive Plan by the Clatsop County Planning Commission to allow health hardship dwelling units in the Suburban Residential zone of the Seaside UGB. Criteria applicable to this request are Legislative Standards for Amendments in the Seaside UGB Comprehensive Plan and Zoning Ordinance.

7:00 p.m. (2) Applicants: Leo Graham, Ted Lilley, Andrew Miller, Sarah Meig, Catherine Miller, Elizabeth Malarkey, Jim Lucas, Mike Gray, Richard Schroeder, 2701 NW Vaughn, Suite 438, Portland, Oregon. Request is to (1) relocate the Active Dune Boundary (Comprehensive Plan Text and Map Amendment); establishment of a building line for all future structures and movement of Coastal Shorelands Boundary (same location as Active Dune Boundary) and (2) Zone change from Active Dune Overlay District to Beaches and Dunes Overlay District and move Coastal Shorelands Overlay District from current Active Dune Boundary to new proposed Active Dune Boundary. Location: Between Del Rey Beach Access and the south road into Surf Pines. Property Description: T7N R10W Section 33A Tax lots 200, 201, 300, 301, 1700, 1701, 1800, 1900, 1901, 1902, 1903, 2000, 2001 and T7N R10W Section 28 Tax lots 1400, 1401. Zoning Ordinance Standards applicable are Zone Change criteria Section 5.412 of the Clatsop County Land and Water Development and Use Ordinance 80-14 as amended and Comprehensive Plan Policies applicable in Coastal Shorelands (Goal 17) and Beaches and Dunes (Goal 18) Elements.

Materials pertinent to the request may be reviewed in the Department of Planning and Development, Clatsop County Courthouse, Astoria, Oregon and may be obtained at a reasonable cost. Planning representative is Curt Schneider, 325-8611. Staff reports may be inspected at no cost in the Department of Planning and Development or obtained at a reasonable cost seven (7) days prior to the hearing. Written statements must be filed with the Clatsop County Planning Department, P.O. Box 179, Astoria, Oregon 97103 no later than Noon on February 1, 1990 in order to be incorporated in the staff report. Public testimony submitted after this date will be taken as testimony at the hearing. FAILURE TO RAISE AN ISSUE IN PERSON OR BY LETTER PRECLUDES APPEAL and in raising an issue, the relevant Zoning Ordinance or Comprehensive Plan criterion to which the issue is directed must be specified.

The action of the Planning Commission may be to approve, deny or modify the request or continue to a date and time certain. If continued, no further public notice will be given.

Publish: January 23, 1990



(note: this map is merely an imprecise rendering of the proposed change)

NOTICE OF APPEAL HEARING
CLATSOP COUNTY BOARD OF COMMISSIONERS

Notice is hereby given that the Clatsop County Board of Commissioners will hold an appeal hearing at 9:00 a.m. on Monday, April 15, 1991 at the Commission Chambers, Clatsop County Courthouse, 749 Commercial, Astoria, Oregon.

The purpose of the hearing will be to consider appeals on the following requests:

Applicant: Shorepines Ltd. Partnership (Northwest Conference Resorts, Inc.), 933 Bauer Drive, San Carlos, California 94070.

Owners: Pacific Power and Light, Nancy Strizek and Babette Benedict, Lovell Profit Sharing Trust, Monarch Lincoln Mercury Inc., Anderson, Fulton, Lavis & Van Thiel, and Clatsop County.

Requests: (a) A 50-lot Cluster Development Subdivision; and (b) a Conditional Use Permit for an 18-hole golf course with practice range, club house, golf cart storage and maintenance service facilities.

Location: The proposal is located west of Highway 101, south of Sunset Beach Road and east of Sunset (Neacoxie) Lake.

Legal Description: T7N R10W Section 15 Tax lots 1600, 1700, 1801, 1900, T7N R10W Section 16 Tax lots 200, 300, T7N R10W Section 16D Tax lot 1700, T7N R10W Section 16AA Tax lots 100 through 10600, T7N R10W Section 15BB Tax lots 100 through 1800, T7N R10W Section 21A Tax lot 100

* * *

Appellants: Clyde V. Brummell, President Oregon Homeowners' Association, 8436 SE 17th Avenue, Portland, Oregon 97202; and Madeleine and Bill Reed and others, Rt. 1, Box 574, Warrenton, Oregon 97146.

* * *

These hearings will be held 'on the record'. No new evidence may be submitted. Only the appellants and parties of the Planning Commission's decision may speak. Planning Department representative for this matter is Curt Schneider at 325-8611.

The Clatsop County Planning Commission approved the requests. The action of the Board of Commissioners may be to approve, deny, modify the requests, or continue them to a date and time certain. If continued, no further public notice will be given.

CLATSOP COUNTY

"Striving To Be First In Quality Service"

DEPARTMENT OF PLANNING AND DEVELOPMENT

January 15, 1991

Applicant:
Shorepines Limited Partnership
Northwest Conference Resorts
933 Bauer Drive
San Carlos, CA 94070

NOTICE OF DECISION AND RIGHTS OF APPEAL

Property Description: T7N R10W Section 15 Tax lots 1600, 1700, 1801, 1900, T7N R10W Section 16 Tax lots 200, 300, T7N R10W Section 16D Tax lot 1700, T7N R10W Section 16AA Tax lots 100 through 10600, T7N R10W Section 15BB Tax lots 100 through 1800, T7N R10W Section 21A Tax lot 100

Requests:	**Action:**
(1) A 50-lot Cluster Development Subdivision (R&O 91-1-20)	Approval, with conditions
(2) Conditional Use Permit (R&O 91-1-19)	Approval, with conditions

Dear Sirs:

The Clatsop County Planning Commission has completed review of the requests noted above. The resolutions and orders as well as findings are located in the Clatsop County Department of Planning & Development and are available for review or purchase ($0.25 per page). If you wish to appeal one or both of these decisions or one or more of the conditions, you have until the date appearing at the bottom of this letter to do so. I have enclosed a copy of Section 6.500-6.525 of the Clatsop County Land and Water Development and Use Ordinance #80-14 (procedure for appeal) for your convenience. No development permit for any activities or structure will be issued by this department until the 10-day appeal period has expired.

You should be aware that any conditions of approval that are a part of these requests must be completed before any development permits can be issued for the above requests. Please note that there is a time limit to complete these conditions: one (1) year for the subdivision and two (2) years for the conditional use permit. A one (1) year extension for each of the above may be requested.

If you have any questions regarding these decisions, appeal procedure, or any of the conditions of approval, please do not hesitate to contact me at 325-8611.

Respectfully,

Curtis J. Schneider, Planning Director

CJS/sks
Enclosure
cc (w/encl.): Gregory S. Hathaway, Attorney for Applicant
All Persons "of record"

LAST DAY TO APPEAL: JANUARY 25, 1991 - 5:00 p.m.

PROCEDURE FOR APPEAL

(CLATSOP COUNTY LAND AND WATER DEVELOPMENT ORDINANCE 80-14)
FEE: $100.00 plus $2.50 per page of verbatim transcript

No issue may be raised on appeal unless that issue was first raised during the proceedings. An issue is considered to have been raised during the proceedings only if the issue has been specifically identified by the interested party in writing or in person.

Section 6.500. Request for Review.

(1) A decision on issuance of a development permit may be appealed to the Planning Commission by an affected party by filing an appeal with the Director within ten (10) days of the date of recording of a Resolution and Order confirming the decision with the County Clerk. If no Resolution and Order is filed, the appeal date runs from the date of issuance of the permit. At the Planning Director's discretion, and for good cause, an additional five days after filing of an appeal may be granted to submit additional justification for the appeal. The actual appeal, however, must be filed within the ten day limit.

(2) A decision of the Planning Commission on a development permit may be appealed to the County Commission by a party to the hearing by filing an appeal within ten (10) days of the date of recording of a Resolution and Order confirming the decision with the County Clerk. At the Planning Director's discretion, and for good cause, an additional five days after filing of an appeal may be granted to submit additional justification for the appeal. The actual appeal, however, must be filed within the ten day limit.

(3) At its discretion the hearing body may limit an appeal or review to a review of the record and a hearing for receipt of oral arguments regarding the record, or may accept new evidence and testimony. If new evidence is to be received, a hearing shall be conducted pursuant to this article.

Section 6.505. Requirements of Notice of Appeal.

(1) A notice of appeal shall contain:

a. An identification of the decision sought to be reviewed, including the date of the decision.

b. A statement of the interest of the person seeking review and that he/she was a party to the initial proceedings.

c. The specific grounds relied upon for review. Zoning Ordinance Standards and Comprehensive Plan Policies, if applicable, must be addressed as to how the decision did not meet those criteria.

d. If de novo review or review by additional testimony and other evidence is requested, a statement relating the request to the factors listed in Section 6.525(1).

(2) Limited to such issues as the reviewing body determines necessary for a proper resolution of the matter.

(3) A de novo hearing on the merits.

Section 6.520. Review on the Record.

(1) Unless otherwise provided for by the reviewing body, review of the decision on appeal shall be confined to the record of the proceeding as specified in this Section. The record shall include:

a. A factual report prepared by the Planning Director.

b. All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review.

c. The transcript of the hearing below, if previously prepared; otherwise, a detailed summary of the evidence, but the details need not be set forth verbatim.

(2) The reviewing body shall make its decision based upon the record after first granting the right of agrument but not the introduction of additional evidence to any party who has filed a notice of appeal.

Section 6.525. Review Consisting of Additional Evidence or De Novo Review.

(1) The reviewing body may hear the entire matter de novo; or it may admit additional testimony and other evidence without holding a de novo hearing if it is satisfied that the additional testimony or other evidence could not reasonably have been presented at the prior hearing. The reviewing body shall consider all of the following in making such a decision.

a. Prejudice to the parties.

b. Convenience or availability of evidence at the time of the initial hearing

c. Surprise to opposing parties.

d. The competency, relevancy and materiality of the proposed testimony or other evidence.

(2) "De novo hearing" shall mean a hearing by the review body as if the action had not been previously heard and as if no decision had been rendered, except that all testimony, evidence and other material from the record of the previous consideration shall be included in the record of the review.

Section 6.530. Review Body Decision.

(1) Upon review, the review body may by order affirm, reverse or modify in whole or part a determination or requirement of the decision that is under review. When the review body modifies or renders a decision that reverses a decision of the hearing body, the review body, in its order, shall set forth its findings and state its reasons for taking the action encompassed in the order. When the review body elects to remand the matter back to the hearing body for such further consideration as it deems necessary, it shall include a statement explaining the error found to have materially affected the outcome of the original decision and the action necessary to rectify such.

(2) Action by the review body shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. The review body shall render its decision no later than sixty (60) days after the filing of the request review body shall render its decision no later than sixty (60) days after the filing of the request for review and shall file that decision with the County Clerk within ten (10) days after it is rendered.

(3) The Director shall by written notice send by certified return receipt mail the decision arrived at by the Director or Planning Commission to the applicant and/or parties requesting information pertaining to a final decision on the application.

Vintage Construction Company, Inc.

SUMMARY OF COMPLETED JOBS
VINTAGE CONSTRUCTION CO., INC.

COMPLETED JOBS:

April, 1984 — Contract Amount: $3,404,964.00
Subdivision
Owner: CQ Enterprises
30 acre subdivision, Juneau, AK - work included clearing, filling underground utilities, roads, curb and gutter, street lights, landscaping, all to City/Borough of Juneau standards.

September, 1984 — Contract Amount: $1,155,500.00
Office/Retail Building
Owner: CQ Enterprises
3000 Vintage Blvd., Juneau, AK - construction of a two story office and retail building with 15,964 sq. ft. completed through finished common areas and finished walls and ceiling in tenant areas.

April, 1985 — Contract Amount: $2,401,531.00
Retail Building
Owner: CQ Enterprises
3030 and 3032 Vintage Blvd., Juneau, AK - construction of a single story retail building with 29,920 sq. ft. completed through finished common areas and finished walls and ceiling in tenant areas.

May 1985 — Contract Amount: $692,088.00
Office Building
Owner: CQ Enterprises
3017 Clinton Dr., Juneau, AK - construction of a two story office building with 7,542 sq. ft. completed through common areas and finished walls and ceiling in tenant areas.

September, 1985 — Contract Amount: $1,477,111.00
Apartment Complex
Owner: Jud Investments
D.A. Youngblood 37.5% ownership
16720 Juanita Dr. N.E., Bothell, WA - Fairway View Apt. Complex is a 53 unit complex consisting of six buildings.

February, 1986 — Contract Amount: $ 222,000.00
Restaurant
Owner: CQ Enterprises & Sizzler Restaurant
3032 Vintage Blvd., Juneau, AK - Tenant improvement work on 5,200 sq. ft. of tenant space for Sizzler Restaurant

February - August, 1986 — Contract Amount: $ 114,959.00
Various retail spaces
Owner: CQ Enterprises
Vintage Business Park, Juneau, AK - tenant improvement work on 6,069 sq. ft of tenant space.

March, 1986 Contract Amount: $ 109,901.00
Post Office Remodel
Owner: G.S.A. and U.S.P.S.
709 W. 9th Street, Juneau, AK - remodel box lobby and install new service counters

April, 1986 Contract Amount: $ 79,245.00
Executive Office Suites
Owner: CQ Enterprises
3000 Vintage Blvd., Juneau, AK - tenant improvement on 2,000 sq. ft. of executive office suites.

July, 1986 Contract Amount: $ 235,421.00
Elementary School Additions
Owner: Issaquah School Dist. #411
Classroom upgrade, construction of handicap ramps and covered walkways from main school to portables.

November, 1986 Contract Amount: $ 16,033.00
U.S. Coast Guard Recruit Station
Owner: CQ Enterprises/U.S. Coast Guard
3030 Vintage Blvd., Juneau, AK - Tenant improvement on 587 sq. ft. for U.S. Coast Guard recruit station.

January, 1987 Contract Amount: $ 801,108.00
Airport Air Traffic control Tower
Owner: City and Borough of Juneau
New Air traffic control tower for Juneau International Airport, 5,000 sq. ft. steel frame with steel siding.

April, 1987 Contract Amount $ 68,000.00
Office Space/Tenant Improvement
Owners: Greens Creek Mining Company/CQ Enterprises
3000 Vintage Blvd., Juneau, AK - Tenant improvement on 3,100 sq. ft. of office space at Vintage Business Park.

August, 1987 Contract Amount: $ 1,399,447.00
Automated Flight Service Station
Owners: Federal Aviation Administration - Dept. of Transportation
New Automated Flight Service Station, Juneau, AK 8,000 sq. ft.

December, 1987 Contract Amount: $ 54,458.00
Kluckwan, Inc./Office Space Tenant Improvements
Owner: Klukwan, Inc.
Tenant improvement on 2,500 sq. ft. of office space at Vintage Business Park

June, 1988 Contract Amount: $1,149,475.00
Additions and Renovations to High School and Middle School
Owner: Granite Falls School District #332
Addition of auxillary gym and locker room at Granite Falls High School and addition of a locker room at Granite Falls Middle School.

July, 1988 Contract Amount: $ 850,602.00
Police Station Expansion
Owner: City of Oak Harbor, WA
Addition and modernization of existing Police Station

July, 1988 Contract Amount: $ 517,906.00
Phase I Sitework - Elementary School
Owner: Granite Falls School District #332
Site preparation, play field, road, parking and utilities for new elementary school

August, 1988 Contract Amount: $ 636,003.00
One Sixteen Building
Owner: 116 Associates, Bellevue, WA
12,000 sq. ft. wood frame office building

November, 1988 Contract Amount: $ 65,000.00
Owner: Tlingit HAIDA (HUD)
Tenant improvement on 4000 sq. ft. office space at Vintage Business Park

April, 1989 Contract Amount: $ 574,009.00
Lynnwood Civic Center
Owner: City of Lynnwood
44th Ave. W. and 192nd St. S.W., Lynnwood, WA - Additions to and remodel of Administration Building and Public Safety Building

March, 1990 Contract Amount: $ 349,800.00
Golf Support
Owner: City of Lynnwood
44th Ave. W. and 192nd St. S.W., Lynnwood, WA - Reconstruct warehouse

July, 1990 Contract Amount: $ 143,800.00
Office Space/Tenant Improvements
Owners: Virginia Mason Occupational Medicine
Tenant improvement on 4,500 sq. ft. of office space at One Sixteen Building.

<u>JOBS IN PROGRESS</u>

March, 1989 Contract Amount: $3,309,365.00
Bridlewood Subdivison
Owner: Northwest General, Inc.
N.E. 153rd St. and 100th Ave. N.E., Bothell, WA - Develop 142 residential lots. Includes clearing, grading, underground utilities, curbs, gutters, sidewaks, paving, landscaping and street lights to the City of Bothell standards.

May, 1990 Contract Amount: $ 809,450.00
Lynnwood Public Library
Owner: City of Lynnwood
44th Ave. W. and 192nd St. S.W., Lynnwood, WA - Additions to and remodel of Lynnwood Public Library

August, 1990 Contract Amount: $1,564,000.00

Owner: City of Monroe
Monroe Fire Dept. Headquarters
163 Village Court, Monroe, WA - Construct 24,000 sq. ft. of new structure per City of Monroe specifications.

Clatsop County
ECONOMIC DEVELOPMENT
COMMITTEE

(503) 325-4521; 1 PORTWAY, SUITE 102, ASTORIA, OREGON 97103

July 11, 1990

MEETING NOTICE

The Clatsop County Economic Development Committee has scheduled an informational meeting on Thursday, July 19, 1990, at the Warrenton Community Center to hear a presentation on the destination resort planned by Northwest Conference Resorts, Inc.

Frank Hildreth and Don Wudtke of Northwest Conference Resorts will present plans for a hotel and conference center at Hammond and the Shores Pines Golf and Country Club development on Clatsop Plains. There will be a question and answer period following the presentation.

Coffee and punch will be served at 6:30 p.m. with dinner served at 7:00 p.m. The dinner will be catered by the Warrenton Seniors and the cost to each individual will be $7.50. The presentation will begin promptly at 8:00 p.m.

Please make your reservation for the dinner with Margaret Forbes (325-4521 extension 4) no later than noon on Tuesday, July 17, 1990, so the caterers will be able to make the necessary arrangements. Cancellation of a reservation may be made prior to noon on the 17th without a charge.

TOWN OF
HAMMOND

P.O. BOX 161
HAMMOND, OREGON 97121
(503) 861-2712

WHAT IMPROVEMENTS DOES THE TOWN OF HAMMOND NEED
AND
WHAT POSSIBLE SOURCES ARE THERE OF FUNDING FOR THEM?

ROADS:

Many of the Town's roads need repairing and some should be widened to allow for bike lanes and sidewalks.

Curbing and gutters should be installed to prevent deterioration of newly-paved as well as older roads.

UTILITIES:

Improvements to existing water lines to service areas with dangerously low pressure.

Sewer lines extended into areas not presently accessible.

Renovation of our collapsing storm drainage system.

MARINA:

Relocation of the tide gate that presently empties into and contributes to the silting problem of the marina.

Dredging that portion of the marina to make it usable by pleasure, charter, and commercial boats.

Paying for the use of a mitigation site.

Replacing piling and rip-rapping around the perimeter of the marina, which is presently being eroded.

BEAUTIFICATION:

Upgrading the median strip by installing curbing and gutters, and replacing the flowering cherry trees that have died over the years.

Establishing a low interest loan fund for owners' improvements of homes and businesses in the downtown area.

WHAT REVENUE SOURCES ARE AVAILABLE FOR THE TOWN TO FINANCE THESE IMPROVEMENTS?

1. A local improvement district (LID) could be established to enlarge inadequate water lines; bonds would be issued and only property owners within the district assessed would repay the money.

2. A road district tax base levy could be approved to finance road improvements and the storm drainage system; everyone's taxes would be raised to provide the funds.

3. A tax base increase for the Town to pay increased costs of fire and police protection and administrative costs; everyone's taxes would be raised to provide the funds.

4. An urban renewal district could be formed to include those areas that need any or all of the above improvements; taxes collected on the increment of increased value within the district would repay the money borrowed by the bond issue.

ONCE THAT MONEY IS REPAID, THE ENTIRE TAX ON PROPERTY WITHIN THE URBAN RENEWAL DISTRICT WOULD GO ON THE REGULAR TAX ROLLS, AND EACH INDIVIDUAL OWNER OR BUSINESS'S TAX RATE WOULD BE LOWERED.

MYTHS AND FACTS ABOUT URBAN RENEWAL DISTRICT FINANCING

There is so much happening in Hammond with all the actual and proposed develoment taking place, it is easy to be confused about the impact that this will have on all of us. As is usually the case with this kind of activity, there is a lot of mis-information circulating. To avoid compounding the confusion, here are some "Myths and Facts" about urban renewal district financing:

MYTH: An urban renewal district will raise the taxes on homes and businesses within its boundaries.

**FACT: An urban renewal district freezes the assessed values of all property within its boundaries at the time the district is established. As improvements are made and property values go up, taxes on the INCREMENT (i.e., the amount of increase) go into a special fund to repay the bond issue.

MYTH: An urban renewal district will raise the taxes on homes and businesses outside its boundaries.

**FACT: An urban renewal district has NO EFFECT on the taxes on homes and businesses outside its limits.

MYTH: Creating an urban renewal district exposes property within its borders to the danger of condemnation by the agency.

**FACT: Property can only be condemned by municipalities and counties that can show compelling reasons for doing so. It is the same procedure whether it is inside or out of district.

MYTH: An urban renewal district once established, can be extended indefinitely.

**FACT: An urban renewal district is established to repay the money raised by a bond issue that finances improvements within the district. When the debt is paid in full, the district may be disbanded.

MYTH: If and when an urban renewal district is disbanded, taxes in the area will go up.

**FACT: Once an urban renewal district pays off its bonds, the increment collected on property within the district will go back on the regular tax rolls, thus, increasing the Town's total assessed value and lowering everyone's taxes.

MYTH: An urban renewal district that includes the 9 acres around the Hammond Marina will raise all Hammond residents' taxes because they will have to make up for revenue lost to the Town.

**FACT: The 9 acres in question are not presently on the tax rolls, so there will be no loss of tax revenues.

MYTH: Other parts of the Town may be included in the urban renewal district, and thus be affected.

**FACT: If other areas need and WANT improvements that the urban renewal district bonds would fund, they could be included. Property owners who do NOT WANT to be included could opt to stay out of the district, but could not then expect to benefit directly from the funds.

(PC) 2-13-90

February 5, 1990

Clatsop County Planning Commission
Clatsop County Court House
749 Commercial
Astoria, Oregon 97103

Re: Public Hearing on Moving The Active Dune Line

The Clatsop County Board of Realtors have reviewed the proposed change and would like to go on record with:

1. We support the Counties Comprehensive Plan designating the area around Del Rey Beach (Highlands) Road for a Destination Resort. A large scale resort in this area will benefit the economy of the entire county.

2. We support the moving of the active dune line and the concept of a building line in approximate conformance with the Westerly building lines in Surf Pines and the Highlands if it is established by expert testimony and facts that the line can be moved. As facts change with either major acretion or erosion this line should be dynamic and change with the times in either direction.

Sincerely,

Lynn Brigham

Lynn Brigham
Board President
Clatsop County Board of Realtors

Surf Pines Association

Re: Your request to access Pinehurst

Before we outline our reasons for not allowing Surf Pines residents to access Pinehurst, we would like to propose two alternatives. If your association would like to pursue either one please call and we will set up a meeting.

Option #1 would be to route people east on Surf Pines Lane, past the new gate house and over the creek. A trail would go south through the See & Adams parcel and then turn west, crossing Neacoxie Creek and entering into the back side of the Pinehurst property. We would develop a southern trail for you that would exit on to the Del Rey Beach Road. This plan would require support from the Weston, See, and Adams family. In addition, we would have to get the TNC to sign off on the routing of the trail. We think this could happen.

Option #2 would be to create a north-south dune trail running from the Gearhart spit to Sunset Beach. This would take some time and money, but if built it would be a lasting treasure.

This is the way we envision it happening. First of all, the trail would be built west of the State Zone line (this is the line the State placed on all ocean front property during the latter part 1960's which gave them control of the ocean frontage). This line is approximately 400 hundred feet east of the sandy beach. The Pinehurst boardwalk utilizes approximately 150 feet of property in the State Zone line i.e. Statutory Vegetation Line (we applied for and received permission to build within their boundary). We see this boardwalk being built parallel to the terminus of the Pinehurst boardwalk. This would give those using the trail a terrific view of the ocean. Each development, Surf Pines, The Highlands, The Palisades, and Gearhart would be reasonable for funding their portion of the boardwalk. The trail would be 4-5 feet wide with no side rails (a small Bobcat can run the length of the trail to remove sand build up). This type of trail might quality for some kind of Federal funding.

There are two reasons we do not want to open our gates to the SPA. First various members of the SPA and your BOD made it extremely difficult to get through the permitting stage. Your 1995 BOD wrote the County urging them to deny our revised development plan. In 1997 your BOD voted to appeal (file a suite) against Pinehurst because our plan had an emergency access road. That suite was not filed because your BOD learned another member of the SPA had filed a similar suite. Our final compromise, which included moving the emergency road from Ocean Ave to the upper road included language that the member of the SPA and their BOD wanted; "the two developments will remain separate; no access". Your surveys and monthly Breeze made numerous references to this. We are trying to keep our word. We cannot understand why you now want to kiss and make up?

The second reason we do not want you in Pinehurst is because we sold these lots on the bases that it was a private gated community. Surf Pines has approximately 325 houses. In another ten years you will have 450 houses. Even with only a small percentage of your members utilizing an easement, it could put a tremendous strain on our swimming pool, basketball court and tennis court. We ask that your members respect an agreement that both sides made.

Sincerely,

RTS RTC

Now you are going to hear the reasons we do not want you in our development. We took the Preliminary Pinehurst development plan to the SPA BOD in early 1994. The plan had a secondary road accessing Ocean Drive. The road was included because we had a recorded easement that allowed us use of all Surf Pines roads. Why was the easement granted? It was granted because the Miller and Malarkey family paid Barney Lucas, the Surf Pines developer, $12,000 in March 1949 to build a road system and an entry road from highway 101 into Surf Pines (in those days the Surf Pines development extended south to within four hundred feet of the Del Rey Beach Road. After reviewing the Pinehurst plan, Jim Clune suggested that since the developments are similar maybe we should join the SPA. Pinehurst would have to pay development fees of approximately $150,000 and dues. Bob Knutsen, President of the BOD liked the idea. We said we would talk with our partners and get back to them. When we called back the next week to tell them we accepted their proposal, Bob said that the women members on the board wanted the proposal to go before the membership at the annual meeting. We said fine.

A questionnaire was sent out to all members asking them for their opinions. It was at that time we realized there was a serious effort by various members of the SPA to distort the truth. This was in the form of an extensive calling campaign. During the annual meeting we were call liars and told that the lower Ocean Avenue road never existed. This is where the battle lines were drawn. In December, after several months getting now where, we proposed a compromise to Milt Stewart whom at the time was the SPA attorney. We told him we would remove our secondary access road on Ocean Ave and replace it with an emergency access road that Surf Pines could control. We felt it important that both developments have another exit in case of emergency. Milt called Linda Thompson, President of the BOD, and she said she was pleased and that should solve the problem. We changed our development plan and submitted it to the county in January. In March we learned that the BOD changed their mind